

PAPER BOOK.

District Court of the United States of America, EASTERN DISTRICT OF PENNSYLVANIA. IN ADMIRALTY.

*To the Hon. John K. Kane, Judge of the District Court of the
United States for the Eastern District of Pennsylvania.*

The libel of Charles R. Robson, late Lieutenant on board of H. B. M. ship "Gladiator," for himself, and William Peter, H. B. M. Consul at Philadelphia, for all others entitled against the brig "Huntress," her tackle, apparel, and furniture, and cargo, and against all persons intervening for their interest therein, in a case of salvage civil and maritime, and thereupon the said Robson and the said Peter allege and articulately propound as follows:—

First. That H. B. M. steamer, the "Jackall," tender to H. B. M. ship "Gladiator," attached to the Bight division of H. B. M. service on the west coast of Africa, was cruising, on the morning of the 4th of August last, off the river Gaboon, on the west coast of Africa. Lieut. Bedingfield commanded said "Jackall."

Second. That about noon on the said 4th of August, in lat. 2° 30' N., lon. 9° 45' E., the "Jackall" fell in with a U. S. brig, with all studding-sails set. As soon as the crew of the brig espied the "Jackall," they hoisted their colors, Union down, which is the usual signal of distress, and ran for the "Jackall." The "Jackall" was immediately run alongside of the said brig, and Lieut. Bedingfield, of the "Jackall," then went on board of her and found her to be the brig "Huntress," a trader on the coast of Africa, belonging to the port of Philadelphia, in the United States, having on board a crew of about five men, and laden with a valuable cargo of palm-oil, ivory, provision, gold-dust, rings, &c. That the captain of the said brig had died of the fever a week previous, and that the chief

mate, E. B. Taylor, was then dangerously ill and senseless, dying of the fever, and the second mate, John Thomas, stated to the said Bedingfield that he could not navigate the vessel himself, being unable to read or write, and ignorant of the art of navigation, and that there was no person on board capable of navigating her; that the brig "Huntress," at the time the "Jackall" hove in sight, was bearing down for the shore between Cape Lopez and the river Gaboon. That the shore at Cape Lopez and the river Gaboon was infested by hordes of piratical slavers; that, if the brig had kept her course, she would inevitably have fallen a prey to these robbers, or else been stranded upon the shore.

Third. That the second mate, who was then in command, supposed that he was standing in for St. Thomas, and was entirely ignorant and helpless. That from the death of the captain, sickness of her chief mate, and the ignorance of the second mate and crew, and the dangerous character of the shore, she was in great hazard of being lost. And that the second mate and the crew begged and requested the aforesaid J. B. Bedingfield, lieutenant commanding the "Jackall," to take charge of and navigate the said brig; and that the said brig and cargo were thereupon put under the care of Wm. Barrett, master's assistant, and he was directed and immediately set about navigating her to Fernando Po, on the west coast of Africa, a British naval station, with a view of falling in with H. B. M. ship "Gladiator," and receiving directions from H. B. M. officer in command of the station, as to the best course to pursue in order to preserve the said brig and cargo.

Fourth. That the aforesaid Wm. Barrett then navigated her and brought the brig to a safe anchorage at Fernando Po on the evening of the 5th of August, and that the said Wm. Barrett immediately reported to John Adams, captain of H. B. M. ship "Gladiator," and commander of this naval station, and that immediately a medical officer was, at the request of the second mate of the brig, sent on board to the chief mate; but that the chief mate, who had all this time been lying senseless, died a few moments before his arrival.

Fifth. That the second mate and crew of the "Huntress" were incompetent to take charge of the brig; one-half of her crew were sick of the fever and inefficient, and no other help could be obtained but from the man-of-war at the station. And that the mate and crew of the brig requested the said John Adams to take charge of her, and have her navigated home. Thereupon the said John Adams furnished her with water, coal, and an anchor, of which she stood in need. That the said John Adams sealed up the hatches and took an inventory of the valuables on board, and directed your libellant, C. R. Robson, a lieutenant attached to the "Gladiator," to repair forthwith, with two men, and to take charge of and navigate her with all possible despatch to Philadelphia, and to deliver her at the port of Philadelphia for the benefit of all concerned.

Sixth. That in pursuance of the above directions, your libellant,

C. R. Robson, went on board and took charge of said brig, and, with the assistance of his two men and such of the crew of the said brig as were able to render him assistance, with all possible despatch navigated the said brig to the port of Philadelphia, where she arrived in safety, and anchored on the evening of the 15th of October last.

Seventh. That from the infectious state of the brig, the aforesaid Barrett exposed himself to great personal danger during the time he was on board the said brig and navigating her to Fernando Po. And your libellant, Robson, and the men who accompanied him on board the said brig, also exposed themselves to great danger from the infection thereon. And that several times during the homeward voyage your libellant, Robson, was very sick and dangerously ill of the fever, and that since his arrival in this city he has been, and is now, extremely sick and confined to his bed by the fever acquired on board. That your libellant, Robson, by his removal from the "Gladiator," has created a vacancy on board of that vessel, which has been filled by a new appointment; and that by bringing this vessel home he has, according to a rule of the British navy, forfeited his place on the "Gladiator," and his pay and prize-money. That he will be compelled, as soon as his disordered health will permit, to return to England and await a new appointment. That by his impaired health he will be prevented from again visiting the coast of Africa, or taking any post there. And to save the said brig and cargo for her owners, he has thus risked his life, lost much time, a valuable post in the British service, forfeited his pay, and shattered his health perhaps forever.

That all and singular the premises are true and within the admiralty and maritime jurisdiction of this Honorable Court.

Wherefore the libellants pray that process, in due form of law, according to the course of courts of admiralty, and of this Honorable Court, in cases of admiralty and maritime jurisdiction, may issue against the brig "Huntress," her tackle, apparel, and furniture, and against the cargo laden therein, wheresoever the same shall be found, and that all persons having, or pretending to have, any right, title, or interest in the said ship and cargo, may be cited to appear and answer upon oath all and singular the matters so articulately propounded; and that this Honorable Court would be pleased to decree such a sum of money or proportion of the value of the said brig "Huntress," and her cargo, to be due to the libellants, as a compensation for their said salvage services, as shall seem meet and reasonable, together with their expenses in this behalf sustained, and to condemn the said brig, her tackle, apparel, and furniture, and the cargo laden therein, and all persons intervening for their interest in the said brig, in costs, and otherwise right and justice to administer in the premises.

WILLIAM B. REED, }
GEORGE HARDING, } *Proctors.*

WILLIAM PETER.
CHARLES R. ROBSON.
By George Harding.

George Harding, being duly sworn, doth depose and say that he was specially instructed by Charles R. Robson, that the foregoing facts are true, and from the information communicated to him by the said Charles R. Robson, he believes that they are true; and that he is specially authorized to make this affidavit, the said Charles R. Robson being now confined to his residence by sickness.

GEORGE HARDING.

Sworn and subscribed, Oct. 18th, 1850.

CHAS. B. HEAZLETT,
U. S. Com'r.

William Peter, being duly sworn, saith that the contents of the within libel so far as stated, of his own knowledge, are true, and those things stated upon the knowledge and information of others, he believes to be true.

Sworn to before me, this 18th day of October, A. D. 1850.

CHAS. B. HEAZLETT, U. S. C.

*District Court of the United States, Eastern District of Penn'a.
In Admiralty.*

ROBSON AND PETER }
vs. }
BRIG "HUNTRESS." }

George Harding, being duly sworn, saith that he is especially instructed as to the facts set forth in the above case. See libel filed, that he is informed, and verily believes, that the said brig "Huntress," therein named, and the cargo thereof, is of the value of twenty thousand dollars.

GEORGE HARDING.

Sworn and subscribed, Oct. 18th, 1850.

CHAS. B. HEAZLETT, U. S. C.

*In the District Court of the United States in and for the Eastern
District of Pennsylvania. In Admiralty.*

And now, October 18th, 1850, the said libel of complaint is in open court, presented by Wm. B. Reed and George Harding, Esquires, the proctors for the libellant; and thereupon, the court having considered of the same, it is ordered and decreed that process of law do issue according to the prayer of the said libellant in said libel of complaint set forth and contained, on compliance on his part with the rules of court in that behalf established, and that the stipulation on the part of the impugnant, if such there shall be, be taken in the sum of ten thousand dollars, to answer, abide by, fulfil, perform, and pay, &c., according to the law and practice of this court.

J. K. KANE,
Judge District Court U. S. E. D. of Penn'a.

District Court of the United States for the Eastern District of Pennsylvania. In Admiralty.

The answer of John R. Rue, the owner and claimant of the brig "Huntress" and her cargo, to the libel of Charles R. Robson, late lieutenant on board H. B. M. Ship "Gladiator," and William Peter, H. B. M. Consul at Philadelphia, for all others entitled against the said brig "Huntress," her tackle, apparel, and furniture, and her cargo, &c.

And now, the said John R. Rue, saving and reserving to himself all benefit of exception to the said libel, and to the uncertainties and insufficiencies thereof, for answer thereto, doth allege and articulately propound as follows, viz:—

First.—That the said John R. Rue, is the true and *bonâ fide* owner of the said brig "Huntress," and of the cargo on board the said brig mentioned in said libel, and that no other person is the owner thereof.

Second.—That the said libel contains a claim against the said brig and her cargo in the name of William Peter, Esquire, H. B. M. Consul at Philadelphia, for all others entitled, which this respondent insists is informal, insufficient, vague, and uncertain, inasmuch as it does not state for whom the said consul claims, nor for what services, nor upon what grounds these unknown persons are entitled to intervene or become parties to the present suit, either in person or by the said consul as their representative, to recover compensation for personal services; so that, the respondent is entirely uninformed who are such claimants—what services they have severally rendered, and what evidence he should procure or lay before the court, in resisting such claims.

Third.—That the said John R. Rue is, and has been, for a long time a resident of the city of Philadelphia, and was so during the whole of the present year, and of his own knowledge cannot answer any of the allegations in the said libel contained, except as to the arrival of the said brig at Philadelphia, on the fifteenth of October last; he therefore admits that the said brig, having on board a cargo worth about eleven thousand dollars, and being herself valued at thirty-six hundred dollars on the said day, did arrive in safety at Philadelphia, having on board Lieutenant C. R. Robson, one of the libellants, an Englishman named Palmer, and a Portuguese, who this respondent believes came on board the said brig at Fernando Po, and John Thomas, the second-mate of the said brig, five colored seamen, and one cook belonging to said brig; and therefore, he prays that libellants may be required to make due and legal proof by competent witnesses of all and every of such allegations.

Fourth.—That the said brig "Huntress," a tight, staunch, and seaworthy vessel, rated as A No. 2, of one hundred and sixty-six tons burthen, sailed from the port of Philadelphia on the thirteenth day of April, A. D. 1850, for a trading voyage to Sierra Leone, and other ports on the west coast of Africa.

Fifth.—That at the time she so sailed, she was well fitted for sea, with a full complement of officers and crew, consisting of one captain, Joseph Sturdevant, one first mate, E. B. Taylor, and one second mate, John Thomas, and four seamen, and one cook, who were entirely competent to navigate and manage the said brig throughout the whole of her voyage.

Sixth.—That the captain and first mate were experienced navigators and seamen, well known to this respondent, and had shown their skill and ability in former voyages in his employment.

Seventh.—That the second mate was an intelligent man and able seaman, perfectly competent to take charge of the said vessel and manage; but whether he was sufficiently acquainted with the theory and practice of navigation, to carry her on her voyage, or to bring her home, this respondent was not informed at the time she sailed, nor does he now know the fact. He understands and believes that the said Thomas never had command of a vessel before, but believes him capable of performing the duties necessary therefor, except so far as a knowledge of navigation is necessary, with which the respondent believes him not sufficiently acquainted.

Eighth.—That he is informed and believes, that the captain of the said brig died on shore at Elmina, a Dutch settlement on the African coast, from illness, probably produced by his having been twice upset in going from his vessel to the shore thereat, and that the first mate died on board the said brig soon after she was taken into Fernando Po.

Ninth.—That this respondent is informed, believes, and expects to prove, that at no time were any of the crew of the said brig, except the captain and first mate, ill with the coast fever, but on the contrary, enjoyed good health, except in one or two cases of very trifling indisposition for a few hours, from the time of their arrival on the coast, until their return to the United States.

Tenth.—That in addition to the crew already mentioned, this respondent is informed and believes, that another seaman, one of the five who returned to Philadelphia, shipped on board said vessel at Sierra Leone, and remained as one of the seamen employed on board of her until the fifteenth of October last.

Eleventh.—That this respondent is informed, believes, and expects to prove, that on the fourth of August last, the said brig was in perfectly good order, well supplied with provisions, stores, and all other necessities for the support and comfort of the crew, and the safety of the vessel, and with a sufficient number of hands to manage her, although the first mate was then exceedingly ill, and was then, the weather being perfectly fair, and the wind favorable, off a small port on the west coast of Africa, within sight of a French brig lying at anchor, and of a British steamer, called the "Jackall;" that the intention of the second mate was then to enter the said port or harbor in order to procure assistance and medical advice for the first mate; not being acquainted with the entrance to the harbor, the ensign was

run up by the sailors "union down," which brought out to them the said British steamer, the "Jackall," whose commander, Lieutenant Bedingfield, was requested to furnish her with some person competent to navigate the vessel, the crew not having confidence in the knowledge of the second mate as a navigator, as they had missed the Island of St. Thomas, to which they were bound when they left Elmina; that the said commander of the "Jackall" then agreed to put on board Wm. Barrett, an assistant master from his vessel, to send the Huntress to the Island of Fernando Po, where the "Gladiator," Captain Adams, to which the "Jackall" was a tender, was then lying; that the said brig, under the charge of Mr. Barrett, was then carried to Clarence Cove in the said Island of Fernando Po, where they arrived in safety, and there found the "Gladiator" at anchor.

Twelfth.—That this respondent is informed, believes, and expects to prove, that the said Captain Adams sent for the said Thomas, the second mate of the said brig, and learned from him the situation of the vessel and crew, and ordered a physician to visit the first mate, who, however, died a short time before he reached the "Huntress;" that Captain Adams desired the said Thomas to go on shore at Clarence Cove, and try to obtain some one competent to navigate the vessel, and thus enable him to take her wherever he desired to go; the said Thomas accordingly did so, but was unable to find a person whom he was willing to trust to navigate the vessel; that in consequence of this failure, Captain Adams decided upon putting the brig in charge of one of his officers, with instructions to take her to Philadelphia, and he accordingly sent Lieutenant Robson, with an Englishman named Palmer, and a Portuguese on board, with orders to take the "Huntress" to her port of departure, and deliver her to her owners. That accordingly the "Huntress" got under way the next day, under command of Lieutenant Robson, and stood to the southward and westward until she reached Prince's Island, where she came to for some hours and took in some stock, and then proceeded on her voyage home, passing in sight of the Island of St. Thomas.

Thirteenth.—That this respondent is further informed, believes, and expects to prove, that the said Palmer, the Englishman, was not an able seaman, nor was he required for duty on board the brig, but came merely as a personal attendant on Lieutenant Robson, and that the Portuguese was no sailor at all, but had been taken out of a captured slaver, and was kept on board the "Gladiator" from motives of humanity, in consequence of his having faithfully attended a British officer during an illness of which he died: that he was put on board the "Huntress," that he might so be enabled to leave the coast and get a passage home.

Fourteenth.—That this respondent is further informed, believes, and expects to prove, that the said brig was at no time in want of anything requisite, either for the prosecution of her voyage or safe return home, except some person sufficiently acquainted with the

theory and practice of navigation to direct the course, keep her reckoning, and ascertain the position of the vessel. That at the time she was fallen in with by the "Jackall," there was among the papers and effects of her late captain, which he understands were in the possession of Captain Adams or his officers, an open letter of instructions from this respondent, mentioning the names of several agents of the owner, and among them, two houses at Sierra Leone, with whom the respondent had business, and to whom the late captain was therein referred, for the purpose of having his cargo sold by them, and this respondent believes that, if his said vessel had been sent thither, they could easily have found proper persons to take charge of her for the purpose, either of prosecuting the voyage, or bringing her safely home; and he is further informed, believes, and expects to be able to prove, that on the said west coast of Africa, between Monrovia and the part of the coast where the said brig fell in with the Jackall, a number of trading ports, at many of which a navigator might have been obtained from some of the vessels trading there, viz: Cape Mesurado, Grand Bassa, Cape Palmas, Jack Lahu, Dix Cove, Elmina, Cape Coast Castle, Anambooa, Accra, Lagos River, Loo Boo, Calabar Bonny, and others. At Sierra Leone, which is a large settlement, with considerable trade, a competent navigator might have been obtained on shore, and at the island of St. Thomas, a Portuguese settlement, where vessels of the American squadron are in the habit of calling, there are several vessels owned by residents of the place trading with different European ports, whose officers and crew make their homes at the island, some one of whom could very probably have been induced to take charge of the brig, and thus any necessity of sending the said libellant and the vessel home, and breaking up the voyage, might have been avoided.

Fifteenth.—That he is informed, believes, and expects to prove, that the said African coast, from Cape Lopez to Fernando Po, is not infested with piratical slavers as in the libel alleged, but on the contrary, is frequented by many traders from the United States and European countries; and, that at the season when the said brig fell in with the "Jackall," the winds were favorable for making Cape Palmas, Cape Coast Castle, and several other places above mentioned, where officers for the brig could probably have been obtained.

Sixteenth.—That all and singular the premises, so far as they are stated, from the knowledge of the respondent are true, and so far as they are stated from the information of others, he believes them to be true.

Wherefore, the respondent prays that this Honorable Court would be pleased to pronounce against the libel aforesaid, and to condemn the libellants in costs, and otherwise right and justice administer in the premises.

JOHN R. RUE.

WMS. BIDDLE,
Proctor for Respondent.

John R. Rue, being duly sworn, saith, that the contents of the foregoing answer, so far as stated of his own knowledge, are true, and those things stated upon the knowledge and information of others, he believes to be true.

Sworn to Nov. 8th, 1850.

CHAS. F. HEAZLETT,
U. S. Com'r.

ROBSON & PETER }
vs. }
BRIG HUNTRESS. }

To the Honorable John K. Kane, Judge of the District Court of the United States for the Eastern District of Pennsylvania:—

The replication of Charles R. Robson and William Peter, intervening for all others entitled, libellants, to the answer of John R. Rue, respondent and claimant, alleges that they, the said libellants, will aver, maintain, and prove their libel to be true, certain, and sufficient, and that the said answer of the said respondent is uncertain, untrue, and insufficient; and they humbly pray, as in and by their said libel they have already prayed.

REED & HARDING,
Proctors for Libellants.

In the District Court of the United States, in and for the Eastern District of Pennsylvania. In Admiralty.

ROBSON *et al* }
vs. }
THE HUNTRESS. } Salvage.

Depositions—Ep. Libellants.

Depositions taken under annexed rule before C. F. Heazlett, U. S. Commissioner, &c. Oct. 22, 1850.

Mr. Wm. B. Reed and Mr. Geo. Harding, for Libellants.

Mr. H. J. Williams and Mr. J. Williams Biddle, for Respondents.

“Written interrogatories” waived by consent.

Levi Wepquish, being duly sworn, says: I am twenty-one years of age the twenty-third day of December next. I was born in the State of Massachusetts, in Barnstable County. I follow the sea. I have followed the sea six years. I have generally sailed in merchant vessels. I have made voyages to the coast of Africa, Liverpool, Mobile, and other places.

I was a hand before the mast on board the brig Huntress. Captain Sturdevant was master of the Huntress when she sailed from Philadelphia, on the thirteenth day of last April. She was bound to the coast of Africa. The name of the first mate was Taylor, Elisha Taylor. The name of the second mate was John Thomas. The crew consisted of my brother, Wm. Wepquish, John Venables,

Henry Giles, William Francis; Francis was the steward. These were all the hands.

We touched first at Sierra Leone. We were there a month. We sold part of our cargo there. We next went to Monrovia, down the coast. Next to Cape Palmas. Next to Elmina. I don't recollect when we were at Elmina. We lay there about two weeks, trading, with the coast. The captain died at Elmina, supposed to be the fever. He was ill one week. The first mate was sick at Elmina. I don't know the cause of his sickness. He had the fever before. We left there on a Monday for the island of St. Thomas. The first mate was in command when we sailed from Elmina. After we left Elmina, which was on a Monday, he was well. On Tuesday he was not as well as when we left; he was able to be about. Next day, Wednesday, he was more unwell than he was when we left Elmina; on Thursday he was taken down sick to his bed.

No one kept the log, that I know of, after the mate was taken sick on Thursday. The mate, Mr. Taylor, left the brig on a certain course on Thursday morning, before he was taken down. I think that course was S. E. $\frac{1}{2}$ E. The second mate took charge of her after Mr. Taylor was taken down; he kept her on the same course till Friday, when he altered her course. I don't recollect the time of day; he altered her course to S. E. by E. I don't know why he altered her course. I did not have any conversation with him about altering her course. We had not made the land then. We run that course till Saturday at 9 o'clock, A. M. Then he altered the course to E. N. E. [He, the mate, said, he altered his course to make the land.]* At two o'clock in the afternoon I was at the wheel, and I told him he was running the wrong course for St. Thomas, considering the course we had steered since we left Elmina. [He said he didn't know whether he was or not.]* I told him that I thought we had better brace the yards, and haul the vessel to the wind, and make St. Thomas. The wind was to the westward. A five knot breeze? No, sir; not at that time; the wind had died away then; there was a three knot breeze. [He said he wouldn't haul her up by the wind, he would haul her up E. S. E.]* Then we steered E. S. E., from that, till we made the land. We made the land at 2 o'clock, Sunday morning. John Venables first saw the land; he was forward; I was at the wheel. The land was on our lee-bow two points. [When we made the land, John Venables came out and told me that he saw something which he thought was the land.]* I told him to call the second mate, who was below; he had been below two hours. He called the mate, and he came on deck. [I asked the second mate whether it would not be better to get a cast of the lead.]*† He didn't understand what I said, but started to go forward to see the land. The vessel was going pretty fast. He staid forward about ten minutes, and said that he could see no

* Objected to by Mr. Williams.

† All the conversation objected to.

land. The second mate told the men to take in the topgallant sail and mainsail. The men on the lookout, or one of them, Ben Johnson, came back and took the wheel from me. We were keeping on the same course. Johnson came back and took the wheel instead of taking in sail. He told me that he thought that must be land there, and that I had better go and see. Johnson came of his own accord. I went forward, and I was certain I saw the land. I did see it. We were within a mile of it. We were then running right on the land. The vessel was going about five knots per hour. The topgallant sails were not taken in then. When I saw the land, I sung out, right away, to put the wheel down, as the vessel was nearly ashore. The mate was then on the quarter-deck. The wheel was put down, when I sung out, and the vessel went round. Johnson was then at the wheel. If we had not put the ship about then, she would have gone ashore. The mate helped to put the vessel about, and gave an order about putting her about. He did not give any order before I sung out. We hove the lead when the vessel was in stays going about. The man that hove the lead said there were four fathoms water. They did not heave the lead when I advised them before. It was the first time they hove the lead. The man at the wheel proposed heaving the lead, and left the wheel and hove the lead. After she went about we trimmed our sails and kept her by the wind. I don't recollect exactly the course she was heading. It was toward the westward, off the land. All hands were pretty well uneasy before we saw the land. We didn't know what time we might run ashore. We might run ashore some time in the night. I heard the mate say he didn't know where we were. I saw the second mate taking the sun two or three times after the first mate went below. I don't know what he did then, whether he wrote it down or not. The mate once or twice altered our course half a point. Once he altered the course four points, but I don't know that he made these changes from any observations he took.

She kept on her westerly course till four o'clock that morning. She was close-hauled.

The crew were very uneasy and very much alarmed at the points when we put her about, as were all the time. [There wasn't any one on board that knew anything about navigation.]* The mate appeared to be uneasy himself, and this was the reason why we thought he knew nothing of navigation. [He said he didn't know where he was.]*

At four o'clock we put the brig about again, and stood in towards the land. No one on board the brig knew at that time what land we had made in the night. We called all hands at 6 o'clock; then we were standing in towards land. We had made land again; we were close to the land; all hands were called to look at the land. The second mate called all hands to look at the land, to make out

* Objected to by Mr. Williams.

what it was. As soon as we could see, we got the charts up ; all hands looked at the charts, the mate and all. We knew we were on the main land somewhere. We had lost St. Thomas. The mate said he didn't know where we were. I had been on the coast before. The second mate said, "Make sail on the vessel and beat her to windward." I asked him to keep her in further to the land. I thought I knew the land. I thought it was a cape down there laid down on the chart as Cape Lopez. I never knew the name before. I told him to run in close to the leeward of the cape. I told him what places he could see if it was the cape I knew. If he run in he could see a river that I knew there.

We were running by one another's advice all day Sunday, and until we got down to the man-of-war. The crew—all hands—were worn down by labor, exhaustion, and trouble.

I said we had better get in somewhere, to get assistance before the mate died ; he was still on board, getting worse and worse.

[The second mate said that if I knew the river, that I might run her in there. The talk was, not to come out again with her unless we had somebody to navigate the brig.]* We had plenty of provisions on board, and we should have staid there and eaten them, or done something that way, I expect, until we could get somebody to navigate for us.

On Sunday morning, after we talked together and found out what land we supposed it to be, the mate said he thought it would be best to run the brig into Gaboon River. The mate, when he first saw the land, said that he thought it was Prince's Island. I don't know how far Prince's Island was below that. Then we run the vessel right down the coast until about 12 o'clock (before the wind), and we saw a brig or barque, I forget which it was, a French vessel, lying in close to land at anchor. The second mate said he wouldn't go into the Gaboon River that night, that he would go and anchor alongside the vessel we saw. I then went up on the fore-topsail-yard, and there I saw a steamer standing in towards the vessel I saw at anchor. We made it out to be a man-of-war, and then all hands proposed to run down to her. We run down till we saw her go alongside the vessel, and when we saw her alongside, the second mate run up our ensign the usual way. The mate said he didn't know what to do. I told him the best thing he could do was to take the ensign from the main and hoist it union down at the peak. He did so. To hoist the flag union down is a signal of distress. As soon as we hoisted our color union down, the man-of-war steamer left the vessel and bore up for us. The mate, Mr. Taylor, was very sick, supposed to be dying, at the time speechless. The steamer came alongside of us, and asked what brig it was. The second mate told him. The man-of-war told the second mate to back his main-topsail, and he would send a boat on board. It was the Jack-

* Objected to by Mr. Williams.

all, a British vessel. The mate told the officer, when he hailed him, that the captain was dead and the mate was lying quite ill. They sent a boat on board. An officer came in the boat and boarded us. I don't know who he was. I heard it was a lieutenant. I don't know that it was Lieutenant Bedingfield. I didn't hear any conversations between the second mate and the officer. None of the crew but the mate was sick at that time. I heard the officer tell the second mate to go aboard of the steamer with him, and he would see if he could do something for him. He went on board and returned with an officer. He was absent about half an hour. I don't know what officer he brought with him. The second mate then made sail on the vessel, the officer remaining on board. The British officer took charge.

Before falling in with the Jackall, and while cruising on the shore on Sunday morning, between 8 and 9 o'clock, we saw a large canoe and two small ones coming out from the land towards us.

The large one had 27 men in her, and one in each small canoe. They rowed straight for us. We were about two miles from the shore then. When we saw them, the vessel was luffed up and stood towards the canoes. When we saw so many men, we got frightened. They couldn't speak English. We didn't know what kind of men they were. We were a little frightened, for we didn't know but what they might kill us, and we knew the vessel could sail faster than they, and we put about, kept her away again before the wind. They wanted to board us. We prepared to resist them. I thought they were wild cannibals. They chased us.

When the British officer took charge, he run her to Fernando Po, and got there on Monday evening. He took entire charge of the navigation after he came on board.

[When the lieutenant from the Jackall first boarded us, he did not go below; he said that if there was sickness below, he would not go.]*

We anchored at Fernando Po, and the first mate died a few minutes after the vessel anchored. After the English officer had left the vessel, the mate died. The name of the officer was Barrett. Mr. Barrett went on board the steamer Gladiator, a British steam-frigate, at Fernando Po.

We went ashore to get the doctor belonging to the Gladiator, and left Mr. Barrett on board. There were none of the men sick that night when he came on board. The next morning we hove the anchor to get the vessel out further from the land. The doctor came on board the next day; there was one man sick; he had hurt himself; not sick in any other way. Another one was taken sick that night with a sick headache. The second mate went on board the Gladiator, and Lieut. Robson returned with him. I don't know who came on board with the lieut. I was not on board. I saw the

* Objected to by Mr. Williams.

lieut., with the second mate, going on board in a boat from the *Gladiator*. The lieut. staid on board that night, and took the vessel off next morning. Two men came on board from the *Gladiator*, one on Tuesday and one on Wednesday. They continued on board. I heard that the lieut. started for Philadelphia from Fernando Po. The lieutenant had command of the crew, and from the time the lieutenant came on board, we regarded him as captain.

I would not have been willing to have left Fernando Po under the command of Mr. Thomas, the second mate.

Mr. Thomas might have taken the vessel out from Fernando Po, but I don't know where he would have carried her. I don't think he could have brought her to America. We had a good passage all the way home, but it was a long one; 67 days, I think.

I believe the second mate treated the lieutenant when he left Fernando Po, as though he was captain.

A short time before we got home, I believe the second mate disobeyed the lieutenant's orders. It was after we made Cape Hatteras. The lieutenant put him off duty.

I, and all the other men, would have obeyed the lieutenant, and not the second mate, in coming home.

I had no confidence in the knowledge of the second mate; he did not, that I know of, know anything about navigation. I do not know that he ever kept a log while he was in charge of the vessel. Lieutenant Robson was sick some of the time coming home. He did not sleep below when he came on board.

Fernando Po is high land, sir. I don't know whether there were any navigators ashore or not, other than those of the squadron.

Cross-examined by Mr. Biddle.

I don't know what the French vessel was doing that I saw at anchor. There was a little settlement on the coast, abreast of where she lay, a place where trade is carried on between traders and the shore. We got down there about 2 P.M. on Sunday, and about half an hour or three-quarters of an hour after that we sailed for Fernando Po. There is a settlement at Fernando Po, that is also a place where traders stop. It is not a rendezvous for the British squadron. I don't know what it is. It is a Spanish port. It is good anchorage there, and secure harbor.

There was a French brig lying at Fernando Po, and the *Gladiator*. It was not the French brig we had met before.

We arrived at Fernando Po on Monday evening; remained there all Tuesday, and sailed Wednesday morning. All that we wanted to enable us to return home was a person that understood navigation. If the second mate had understood navigation we could have returned to the United States without any assistance.

All vessels cruising along that coast are liable to the fevers—all traders, men-of-war, and all. The fever never breaks out off the coast. It is contracted by exposure on shore.

The last time that Lieut. Robson was taken ill, we were in sight of Cape Henlopen; the first time was about four weeks after we left Fernando Po.

The man whom I mentioned as having hurt himself at Fernando Po, got over it in two or three days. It didn't require any medicine to cure him; he fell down and hurt himself. The man that had the sick headache got well of it the same night that he took it. There was another man sick; I don't know what was the matter with him; he complained about half a day, and the next day he was well. Those are all that were sick. The man I have just mentioned was one of our own hands, not one put on board from the *Gladiator*.

When we left Cape Palmas, we were bound to Elmina; from thence we were bound to St. Thomas. I don't know how far St. Thomas is from Fernando Po. I believe it is right north of it.

I don't know what hardships our crew were subjected to after leaving Elmina. They lost their rest; we could not sleep, being worried about the vessel. The crew were all colored except the three officers. I can't say what kind of a sailor the second mate was. I should not like to trust him with a vessel. He could manage the sails. He understood how to manage the sailing of the vessel, but he was no navigator. If we had had a navigator, he could have managed the vessel very well, and the crew was sufficient.

The second mate and myself kept watch alternately from the time the first mate went below. The second mate and myself kept the watch from the time the vessel left Sierra Leone until the officer came on board.

I could take care of the vessel myself; knew when to set and take in sail, and all that. We had fine weather all the time after we left Elmina. That was the season of fine weather on the coast. I had been there once before. There is no bars or banks a distance off from the shore, but there are close in, a quarter of a mile from the beach. The surf is pretty violent on the bars. There is some difficulty in landing from a boat on the coast. The vessel was pretty well found, nothing wanting on board. The crew, with the exception of the two officers, had enjoyed good health, and nobody was sick coming over except Mr. Robson.

We arrived here on Wednesday last, 16th Oct., 1850.

LEVI WEPQUISH.

Taken, sworn, and subscribed, Oct. 22d, 1850.

CHAS F. HEAZLETT, *U. S. C.*

William Wepquish, being duly sworn, says: I am 19 years of age. I have been a sailor six years. I am a native of Barnstable Co., Massachusetts. I was one of the crew of the brig *Huntress*. Sailed from Philadelphia. The first mate was taken sick shortly after leaving Elmina. The captain died at Elmina. We sailed

on Monday, and I think the second mate took charge on Thursday. The first mate went below on Thursday; he was helpless, and I think he was taken speechless in the afternoon. He appeared to be out of his head.

After the second mate took charge of her, he kept the vessel on the course last given him by the first mate. We run on that course till Saturday forenoon. I believe some of the crew first saw the land about 20 minutes before 2 on Sunday morning. I was below. I was called as soon as they made the land. I was not alarmed before this. We were looking out for land. It is a general thing to keep a look-out at sea. I did not know where we were or where we were going. I didn't know what was going to become of us. I don't know whether the second mate knew. We were going to make land if we could.

I can't tell how soon we would have been ashore on Sunday morning, as I did not see the land. I never saw the second mate take an observation. I saw him have his quadrant, but I never saw him work the sun up to see what it was.

The second mate was in the habit of bringing to me notes to be read to him, and to write for him. This was at Elmina. The second mate might know more about navigating a vessel than I can tell. I don't think that he does know how to navigate a vessel. The men were very much exhausted on the Sunday morning. We had some fatigue.

There was a consultation on deck about what was best to be done. I hadn't much to say about it, but Levi, who had been on the coast before, and the second mate, were talking about it. I don't know what I wanted to do. I was willing to take advice from any one. I wanted to get into port to get a navigator to proceed on our voyage or come home.

I would not have consented to have gone out to sea with the second mate alone. I should have considered myself exposed to great danger with him in charge of the vessel.

When we first saw the Jackall we did not hoist our flag "union down." We hoisted it "union down" after we saw her running into the land—I mean we hoisted it "union down" after she bore up for us.

I did not hear the conversation which passed between the mate and the lieutenant.

On the same day in the forenoon, I saw a canoe with 27 men in it. They rowed or paddled out towards us. They appeared to want to come alongside.

Mr. Barrett came on board from the Jackall, and took charge of the brig, and took her to Fernando Po. Mr. Robson took charge and brought her away from Fernando Po. We regarded him as in command of the vessel after that. I don't know what kind of a settlement Fernando Po is. I don't know whether there are any navigators there. Fernando Po is an island.

Cross-examined.

We had pretty good weather for the coast, after we left Elmina, until we fell in with the steamer, and from that time till we came to Fernando Po, we had good weather, except a few squalls of rain.

I don't know whether the crew were able-handed enough to work the vessel to the United States if they had a navigator, but I think we could get along.

The second mate is supposed to be a good seaman, except so far as navigation goes. He understood how to sail the vessel—to put her about. My brother could sail a vessel; he was competent except in navigation. He kept a watch.

I can't tell how long my brother had a watch, but I think from Sierra Leone until we fell in with the steamer.

We could sail much faster than the canoe which I saw. The wind breezed up some.

If the second-mate wanted any notes written ashore to the captain, he asked me to write them. I do not write a good hand. He said what he wanted me to write. I never saw him read what I had written. I can't say with certainty, but if he could, I should have thought that he would not have brought other notes to me to read. These notes were from the captain, for such provisions as he wanted to be sent ashore for him, such as he had traded.

Re-examined.

I don't know whether I shall ever go again to the coast of Africa. I have no objection to going.

Re-Cross-examined.

The cause of our alarm was that we were afraid of being without a navigator at sea, and fear of running on the land. We didn't know where we were, or how soon we might run ashore.

If we had had a person who had understood navigation, I think we could have got home safely to the United States.

WILLIAM WEPQUISH.

Taken, sworn, and subscribed, Oct. 22d, 1850.

CHAS. F. HEAZLETT, *U. S. C.*

WEDNESDAY, OCT. 23, 1850.

John Venables, being duly sworn, deposes and says: I am 23 years of age. I am a native of Delaware, and have been a sailor 5 years. I was one of the crew of the *Huntress*. Sailed from here to Sierra Leone; discharged some cargo there; then we went to Monrovia, I think; then to Cape Palmas; thence to Elmina. The captain died there. The chief mate took charge of the brig then.

He was taken sick after we left Elmina. He was sick before. He became so sick on Thursday morning that he had to go below. We left Elmina on Monday evening. The second mate took charge when the first-mate went below. He was helpless. I don't know what was the matter with him. It was said he had the fever. The second mate steered the same course that the mate gave him last. He did not navigate by observation, like the captain and chief mate used to. I don't know whether he kept a log. I didn't see him keep a log. I was forward. We kept on the course given by the first mate till Saturday; then we run E. N. E. course, I think. I heard some of them say that he was going to try to fetch the main land. We made the main land on Sunday morning about 2 o'clock. I don't know whether the second mate knew anything about navigating vessels. I have seen him come up with his quadrant and take the sun. He looked at the sun as other people *does*. He looked at it as long as he wanted to, and then went below.

I don't know whether the second mate knew where he was at this time. I felt as though I should like to be in some harbor where we could get some assistance. I felt as though I had rather been back in Elmina after the mate was taken bad. I didn't feel very comfortable going on to the land. After we saw the land, we didn't run to it more than ten minutes. We saw the man-of-war on Sunday, near 12 o'clock, I think. We kept on running, after we saw the man-of-war, towards the French brig. We run on till the steamer came down to us. She was running in towards the brig. I believe we hoisted the ensign in the usual way, "union up." Then it was taken down, and hoisted "union down." The steamer run down to us, and some officer came on board. Mr. Barrett afterwards came on board from the Jackall, and took charge. He run her to Fernando Po. The first mate was below, sick all this time. The doctor came on board at Fernando Po. They went for him as soon as they got in. He came on board twice, I think, sir. I would not have been willing to have gone again to sea with this second mate. I had not made up my mind not to go, as I didn't think he would take her to sea again. I found the Gladiator at Fernando Po. The second mate went on board of the Gladiator.

Lieut. Robson came on board the Huntress on Tuesday. I think there was two or three men come on board beside him from the station. Two remained on board, and returned with the brig to the U. S. Lieut. Robson had command coming home. I obeyed him as captain. Lieut. Robson was sick coming home. We arrived here on Wednesday last.

Cross-examined by Mr. Biddle.

I don't know exactly how many days it took to run from Cape Palmas to Elmina. I think it was three or four days. I think we were three or four days running from Monrovia to Cape Palmas. I don't

know whether there is much trade at Cape Palmas. We didn't discharge there. I saw one barque there, and when we left there, we left her a piece below there. I don't know if there is a good deal of trade at Elmina. There was four or five vessels there. Elmina is a Dutch settlement.

There appeared to be considerable trade at Monrovia. There were four vessels there. I don't know whether there is a Dutch settlement on the main land near Fernando Po. I have never been at St. Thomas.

If we had had a person on board who could have taken the sun or calculated it, we could have run into St. Thomas or on to the United States, or any way we pleased. The second mate knew how to work the ship. Levi Wepquish also knew how to work the ship. Our brig was well provided with provisions, sails, and everything that was necessary for the voyage.

his
JOHN ~~X~~ VENABLES.
mark.

Taken, sworn, and subscribed, Oct. 23d, 1850.

CHAS. F. HEAZLETT, *U. S. C.*

Adj'd till to-morrow, 11 A. M.

OCTOBER 24, 1850.

Chas. R. Robson, being duly sworn, deposes and says: I am an officer, a lieutenant of the British navy. I am 25 years of age. I was attached to the British squadron, in the Bight of Benin, on the coast of Africa. I was on board H. B. M. ship *Gladiator*, John Adams, Esquire, captain.

Mr. Williams objects to the examination of the witness. First, because he is a party on the record; second, because he is the only person who appears by the libel to be interested in the event of this suit; third, because if any decree is made in favor of the claim, it must be for him.

The proctor for libellants suggests, in reply to this objection, that by the rules of admiralty practice, salvors, or parties claiming as salvors, are of necessity witnesses; second, that the witness is not the only party on record, and that if a decree is made, it will be for himself and all others interested, against the brig *Huntress*.

Mr. Williams suggests that this is not a case of salvage, nor do any admiralty rules authorize the examination of an interested witness, a party to the record, in a case like the present, and that in point of fact Mr. Robson is the only party on the record, the other nominal party having, as he conceives, no right to intervene on behalf of himself or any other person.

Witness proceeds: I was on board the *Gladiator* in August last, at the time the *Huntress* arrived at the port of Fernando Po. The *Gladiator* was lying at Fernando Po. The *Huntress* was brought in by the orders of Lieut. Bedingfield. [Mr. Barrett, master's assistant, was on board in command when the *Huntress* arrived at Fernando Po. When she anchored, Mr. Barrett came on board the *Gladiator* and reported to Capt. Adams that this vessel had been found in a distressed state, having her ensign hoisted "union down;" that she had been boarded by Lieut. Bedingfield, who found her in this state, and, from the representations of Mr. Thomas, the mate, had put Mr. Barrett on board to navigate her to Fernando Po. That he went on board and brought her into Fernando Po.

Mr. Barrett brought to Captain Adams a letter from Lieut. Bedingfield. I saw that letter, and am acquainted with its contents. A copy of that letter was made. It was read over to me, and I read it over myself, both copy and original. The copy was attested by Captain Adams, and the attestation is in his own handwriting. Copy annexed, marked *C. R. Robson, No. 1, C. F. H.* It was about 7 o'clock, P. M., when the *Huntress* came in. She was anchored and secured close to the *Gladiator*. Nothing was done that night, except the doctor, Kebern, the surgeon of the ship, went on board to see the mate, and found that he had died before he got on board. This was on Monday, the 5th of August.

The next morning the second mate, Thomas, came on board the *Gladiator*, and his declaration was taken by Captain Adams. The declaration was made voluntarily. There was no influence or authority exercised over him. He voluntarily made the declaration. It was reduced to writing, and attested before the consul and officers of the ship. Papers marked *C. R. Robson, No. 2, C. F. H.*, declaration annexed. The body of the declaration is in the handwriting of the captain's clerk. The "8th inst.," on the second page of the declaration, is evidently a clerical error. It is evidently intended for the 5th.

After the declaration was made, I received my orders to take charge of the vessel.

In the forenoon of the same day the declaration was made, I was sent on board with another officer, and the money was counted. Everything was sealed up in the shape of money, chests, valuables, packages, &c.; that being finished, the second mate and myself returned to the ship, and the declaration was reduced to writing. It was then read over in the presence of the consul and others, and I received my orders in writing.

Paper marked *C. R. Robson, No. 3, C. F. H.*, are my orders, annexed.

I also received dispatches for H. B. M.'s consul at this port.

Paper marked *C. R. Robson, No. 4, C. F. H.*, is the dispatch to the consul, annexed.

An inventory was made of all the valuables on board the brig.

Paper marked *C. R. Robson, No. 5, C. F. H.*, is the inventory, annexed.

The hatches could not be sealed, on account of the provisions being below. Directions were given to seal them, if possible; but it was impossible, on account of the provisions being below.

An anchor and water was put on board the *Huntress*, and coal and wood. Everything was done for her that she needed.

The surgeon was sent on board to inspect the crew. He had the cabin where the mate had died cleaned out; everything taken out and washed with chloride of zinc. He also treated three men who were ill on board. He prescribed for them. He also recommended me not to sleep below, and to be below as little as I possibly could. He also examined the medicine-chest, and found that there was nothing at all in it adapted for the fever of the coast. He then sent on board some medicine, with directions for its use, in the event of either myself or any of the men being taken sick. Nothing else was done by the surgeon. Two more men were put on board, one out of the *Gladiator's* crew, and one who happened to be on board, a Portuguese, taken from one of the prizes we had taken, a prisoner. He was on board the *Gladiator*, and the reason he was there was, he had been sent up in the schooner he belonged to for the purpose of condemning the vessel at St. Helena, according to the usage of the service. The officer in charge, and three of the men, having died from fever on board the schooner. He was there because he behaved exceeding well to the officer who died. It was one of our officers.

I am under the impression that these men were applied for by the second mate. I didn't hear the application, but I am under that impression, or Captain Adams would not have sent them. The surgeon suggested that there ought to be more hands on board for the navigation of the vessel. All this took place on the 6th, and I went on board on the night of the 6th, and on the morning of the 7th got under way. I was in command. After I got under way, the second mate came aft to say that the ship's company didn't wish to go to sea; were afraid rather to go to sea with so many hands sick; that in the event of bad weather there would be no person to go aloft.

I then sent for all the ship's company aft, and explained to them that as soon as we got clear of the coast, the men would most probably recover; that no more hands were to be had at Fernando Po, and that the only thing was to make the best of a bad bargain. After which, they consented to go to work.

We then proceeded on our voyage. My health was then exceedingly good. I had been on the coast nearly two years. My health had been perfectly good during those two years. I had not been sick at all.

Ten days after I left Fernando Po, I felt all the symptoms of fever described in Dr. Kebern's instructions, which increased, and

I have every reason to believe what I labored under was coast fever, contracted by disease which remained in the ship.

I recovered sufficiently to communicate with the "Messenger," of Salem, an American brig, which had left Fernando Po the day before I did. Wishing to go on board for advice, I found myself so weak that I fainted. I had been ill about five days before I fell in with the Messenger. I had very high fever; suffered very much. The captain of the Messenger being an old coast captain, gave me advice, and he gave me some more medicine, and I recovered my health, and enjoyed good health for about ten days. I was very weak, but I enjoyed good health. I was then attacked by violent headaches, vomitings, pains in all my limbs, which reduced me to such a state of weakness that I could not turn myself in bed without the assistance of the steward. I had great anxiety of mind on account of the navigation of the vessel and the responsibility I found I was laboring under.

When I was ill, I had no person at all to assist me in navigating the ship, except the English sailor I brought on board with me, and whom I had learned to wind up the chronometer. Thomas, the second mate, did not render me any assistance. He was not at all competent to manage or navigate the ship. I was near to St. Thomas when I fell in with the Messenger. I mean St. Thomas on the line. We touched at Prince's Island. We went in for fresh provisions. This was before I was taken ill. I entered the vessel there, and incurred small expenses there.

Paper marked *C. R. Robson, No. 7, C. F. H.*, is an account of expenses, annexed.

I sold five barrels of flour there to buy provisions with, a piece of cloth, and some six hats, I think, in all amounting to \$56 $\frac{46}{100}$.

The paper marked *C. R. Robson, No. 8, C. F. H.*, is a correct copy of expenses, annexed.

Book now produced is the log-book of the brig, a book I found on board. The handwriting, 4th of August, is Mr. Barrett's. It is the first of his writing. The last entry before that, 31st July, is in the handwriting of the chief mate, I believe.

After my second attack, I was ill some ten days, and from that time until my arrival here, I was much indisposed, but kept on getting stronger.

The entry in the log of 20th August, 1850, is in the handwriting of Palmer, the English sailor. The composition, I believe, to be Thomas', the mate's. It was entered without my knowledge.

I was unwell all the time, more or less, until I arrived in the Delaware, and took a pilot, Mr. Marshall.

The length of the voyage from Fernando Po to the Capes of the Delaware, was 67 or 68 days. We were on an allowance of water during this time. I had no idea of going into Bermuda in consequence of this. We caught about a cask of rain water. If we had not caught the rain water we might have gone into Bermuda.

On this voyage, I consider my privations and personal sufferings as very great. Nearly all my crew were colored men. The crew I found on board were five colored men and the mate.

The conduct of the mate towards me was mutinous in the extreme on many occasions. I had not treated him with any unkindness or severity. I always treated him with the greatest consideration.

I left the vessel at New Castle, in charge of the pilot, and came up to the city of Philadelphia in a steamboat. It is the first time I have been in the United States. I am an entire stranger here. Under the orders of Capt. Adams, I immediately reported myself to H. B. M.'s consul, and by him I was taken to the collector, Mr. Lewis, and, at the instance of Mr. Lewis, Mr. Peter referred me to Mr. Reed, as my professional adviser, and by Mr. Reed's advice I have been acting since.

On my arrival here, I felt enfeebled in health, and I have no doubt it was the fruit of exposure and anxiety of mind. In consequence of my indisposition, I have resided at Mr. Peter's house.

The morning after my arrival here, I went to Mr. Rue's counting-house, and while in the counting-house, I became delirious and unconscious, and was taken, I have been informed by Mr. Whitney, Mr. Rue's brother-in-law, to Dr. Klapp's, and from thence to Mr. Peter's. I am informed that I remained in a state of unconsciousness until midnight. My health has been feeble since. I feel now entirely unable to make any active exertion, or to expose myself in the least. I suffer now very much from pain in the side, affection of the spleen.

The effect of my being detached is to discharge me from the ship I belonged to, and thereby lose prize money that the *Gladiator* would be likely to make, and full pay. The prize money on that station is very considerable.

The *Gladiator*, by the rules of the service, would have remained on the coast some 18 months.

CHARLES ROBSON.

Adjourned till to-morrow evening, at 7 o'clock.

OCTOBER 25th, 1850.

Examination proceeds:—

My pay as lieut. was ten shillings per day; that is my full pay. The pay of the hand detached from the ship was £1 6 per month. I am well acquainted with the character of the coast in that neighborhood generally. The cruising ground of the *Gladiator*, she being the senior-officer-ship, was from Cape St. Paul to Cape Lopez, two bights, the Bight of Benin and the Bight of Biafra. The *Jackall* was detached to cruise off the river Caboon, and from the Caboon to Cape Lopez, to cruise for slavers, from information Capt. Adams

received while at Fernando Po ; otherwise her destination would have been different ; otherwise her destination would have been to cruize off Prince's Island. When she fell in with the Huntress, she had been detached on special service, to cruize off the Caboon. The information which caused Capt. Adams to send the Jackall, was given by a French officer, who had a factory in the river Caboon. The information was that canoes, capable of holding from 50 to 100 men, were in the habit of transporting slaves from the river Caboon, and discharging them into Barracoons, at Cape Lopez, and from Cape Lopez down the bight. This was the special service on which the Jackall had been sent when she fell in with the Huntress.

The currents down the bights we have been speaking of, are very strong and dangerous.

At the point where the Huntress was found, like most parts of the coast, you may approach it within a mile or a mile and a half, where you will have about 6 fathoms water ; inside that distance, it becomes dangerous, in consequence of the rollers extending so far out.

There are many piratical establishments down at Cape Lopez and the down bights there. At Zangotangue there is a very bad place. One of our naval captains, two years ago, destroyed one of the piratical places. It is still considered a dangerous place for any merchant vessel, in consequence of piratical establishments.

The remains of the log-book I have sent to Mr. Reed's office.

Since the adjournment of yesterday, I have again been an invalid from an attack of ague, and I am still suffering from illness and debility.]*

Mr. Williams, for respondents, without waiving any, and insisting on all the objections which he has hitherto made, both as to the competency of the witness and the testimony, and subject to those exceptions, proceeds to

Cross-examine the Witness.

I was on the deck of the Gladiator when I first saw the Huntress. The Gladiator was at anchor in Clarence Cove, Fernando Po. She had been at anchor there some three or four days. Clarence Cove is a small cove. The only anchorage there is at Fernando Po.

When I first saw the Huntress, she was beating between the island and the main land. The main land is visible from the island. The nearest point is about 15 miles. The water between the island and the main land is shoal, and the bottom rocky. There is sufficient depth of water for vessels, but the passage is difficult to any but an experienced person. The harbor where the Gladiator lay, was landward, to the east side of the island.

The Huntress had just come in sight from the point when I first saw

* Objected to by Mr. Williams. Cause of objection waived.

her. The point makes part of the cove. After she got clear of the point, the wind was favorable for her coming into the cove.

The cove is on the N. Westerly side of the northern point of the island, and, after passing that point, any northerly wind would be fair for coming into the cove.

After beating through the channel between the main land and Fernando Po, she came round the point and anchored near the Gladiator.

I can't say whether the British master was on board of her when I first saw her.

The Jackall had been gone a couple of days before I saw the Huntress.

The Huntress anchored a couple of hours after I first saw her. I went on board of her the next day. That was the first communication that I personally had with the Huntress. I was on deck when Mr. Barrett came on board the Gladiator. I happened to be talking with Capt. Adams when Mr. Barrett made his report.

I knew nothing personally about the Huntress until the morning after she anchored, when I went on board. The first personal intercourse I had with the Huntress was the morning I went on board.

All the information I had as to what had previously taken place, was from the reports or statements of others.

The weather was good the afternoon she came in; a good breeze, making some 5 or 6 knots through the water.

From the time I first saw the Huntress until I went on board, she was in no danger. Except the next morning, in going out, before I went on board, when she touched the ground, she was in no danger. She might have gone out about a quarter of a mile from her anchorage before I went on board. She at first tried to get out under sail, but was afterwards warped out.

The nature of the land eastward of Fernando Po (the main land), is high, and much intersected with rivers. These rivers are harbors, and extend some distance into the country. An extensive palm-oil trade is carried on there. Those harbors are not of easy access; they have dangerous bars. In some of the rivers there are black pilots. There is no good anchorage at Fernando Po except this cove. St. George's Bay is not a safe place.

The safety of places in that island depends a little on which way the wind blows.

There are two very good anchorages at Prince's Island. I have never been at St. Thomas.

The distance from Fernando Po to St. Thomas is such that the Gladiator would steam from Fernando Po to St. Thomas in about 18 hours, and, I calculate, that this 18 hours is against trade-winds.

The coast, from the latitude of Prince's and the latitude of St. Thomas, is the same as it was above. You may approach within a mile or a mile and a half, and then the danger is from rollers.

I have been down the coast as far as Little Fish Bay, 16° south. I have landed on the coast at some parts, and the character of the coast is about the same to Cape Lopez. Cape Lopez is the only part of the bight where the slave trade is carried on.

The currents I have spoken of generally set to the eastward, through the bights, and then run southerly down the coast. They are constant, and are known as the Guinea Stream. It is very uncertain whether they are affected by trade winds. They sometimes change, without any apparent cause, for twenty-four hours or more, and then resume their ordinary course. They generally run with the course. The winds generally blow southerly and south-westerly, except about three months during the Harmattan season, signifying fogs, I presume. There was thick weather during that time. These months are December, January, and February.

During the season, the trade winds are regular in their course and strength. They are sometimes interrupted by tornadoes, which last about a quarter of an hour, short and severe while they last. These tornadoes succeed the Harmattan, and last about three months. During the rest of the year, we have the rainy season, but in regard to the winds, they are fine.

The rainy season are June, July, and August.

The sickly season immediately follows the rainy season. This is more confined to the coast. So long as we keep upon the sea, we are not exposed to illness, that is, cruising at the distance our vessels have been doing, 40 miles from shore. The islands are not so unhealthy as the main land. Fernando Po is very healthy. Prince's Island also is healthy.

When I went on board the Huntress, she was fit to take the voyage across the Atlantic, as to equipment. By equipment, I mean rigging, spars, &c. We found ten sails on board the vessel, and we bent them at Prince's, when we touched there. There was sufficient provisions, and what we considered sufficient water.

There was nothing, that I know of, except the absence of the master and first mate, that prevented that vessel from continuing the voyage along the coast, that is, with regard to the vessel itself.

I don't know what it is in the American service, but in the English merchant service it is generally 5 men to each 100 tons. On coming on the coast, it is usual to take in two or three Kroomen on board.

I think this number is exclusive of officers, but of this I am not certain. These Kroomen are only kept on board while trading, and are not carried away from the coast.

I am not aware of any alteration in the Huntress, while lying in the cove at Fernando Po, to fit her for sea, except having the cabin cleared out and washed with chloride of zinc—the cabin purified.

The Huntress sailed the day but one after she arrived at Fernando Po, and beat down to Prince's Island. We stopped at Prince's Island. We took some stock on board, and sold some trifling

articles, as I have already stated. We staid at Prince's twenty-four hours. We went to Prince's to obtain some stock—we had been living on rice and callanvances, a sort of bean—and also to give a good opportunity of bending the sails. We were some six or seven days beating down. There was beef and hams on board. I don't recollect seeing fish. There was tea and sugar. I went down to Prince's to get fresh provisions—fresh stock. There were plenty of salt provisions on board.

After you leave the main land, after you get 30 or 40 miles at sea, the current don't affect you much one way or the other.

You may have the trade wind almost over to the Brazils, in coming over from Africa to America, that is, after you get clear of Cape Lopez. It is a dead beat to Cape Lopez, and then you get the S. E. trades, and run across to about 30° , and then we made our northing. I think it took us about 15 or 16 days to get clear of Cape Lopez.

The weather, from the time we left Prince's Island until we got to the coast of Brazil, was very fine weather, indeed.

We took the N. E. trades in about 15° latitude, and that brought me nearly to the Gulf. The passage was one of fine weather nearly the whole way.

Cape Hatteras bore about N. W. when I came into the Gulf stream. I stood in until I could make the lighthouse. We had one night bad weather after we came into the Gulf. We lost our jib-boom and topsail sheets.

Palmer, I think, kept the log. He wrote it all the time, that is, the ship's log. I took the observations when I was capable of doing it. Palmer took them sometimes. I taught him. He knew nothing of taking observations when he came on board. Palmer was rated on board the *Gladiator* as an ordinary seaman. We have the distinction between able and ordinary seamen in our service. He was able to calculate the meridian altitude after I had instructed him. He kept his watch on the "*Huntress*" with the other men. The second mate kept one watch and Levi Wepquish kept the other. Palmer was not competent to keep a watch and manage the ship. The Portuguese was not much of a sailor; he cooked. Palmer could go aloft; the Portuguese did not. The Portuguese and the steward cooked for the crew, managed it somehow. The steward cooked for me and attended to the cabin; kept it clean.

From the time I first saw the *Huntress* until I left her, she was never in danger from loss or wreck.

I found the Portuguese was not much of a sailor; the cooking was an arrangement of my own. The steward was more useful in another capacity.

CHARLES ROBSON.

Adjourned till Tuesday next, $10\frac{1}{2}$ A. M.

TUESDAY, OCT. 29, 1850.

Mr. Robson being unwell, and unable to attend,
Adj'd to meet on notice.

FRIDAY, NOV. 8th, 1850.

Cross-examination of Charles R. Robson continued.

The chart I have in my hand, and marked *C. F. H.*, is chart of the Huntress. The pencil and ink marks, beginning with the island of Fernando Po, show the course I pursued; the dates are the dates of the observations. We sighted the island of St. Thomas on the evening of the 17th of August, about 15 miles off. It was between 5 and 6 o'clock; I think it was. I was standing towards it at that time. With the wind we had, we could not have run in there. We could have got in in the course of next day.

From the position the vessel, the Huntress, was, on the 4th of August, in $2^{\circ} 50'$ north, $9^{\circ} 45'$ east, it would have taken considerable time to beat up to Cape Coast Castle. It would have taken, I should say, about ten days or a fortnight. The winds at that time prevail about S. W. That is not a favorable wind from the position in which she was. It would have been a dead beat for her. If we had gone from Fernando Po to St. Thomas, without stopping at Prince's Island, it would have made the difference of the time which we lay at Prince's, four-and-twenty hours. I have been once at Cape Coast Castle during the night. I have never been at Cape Mesurada, nor at Grand Bassa, nor at Cape Palmas. Those are off our cruising ground. Eighteen or twenty days is considered a good passage, a very good passage, from Fernando Po to Sierra Leone. There is considerable trade carried on at Sierra Leone.

I have been at Sierra Leone. There are a number of vessels owned there. There are black inhabitants. I don't suppose there are many white people there. The coasting vessels at Sierra Leone are manned and officered by black people, and don't lose sight of the land. There is considerable trade between foreign vessels and English vessels with Sierra Leone. I have never been at St. Thomas. I know nothing of the trade they have there. I have understood it to be much the same as at Prince's. I do not know whether the vessels of the U. S. squadron are in the habit of stopping at St. Thomas. I don't know anything about it, but Prince's, I should think, would be the most likely place.

I don't recollect that I was present at any time when Captain Adams told the second mate to go on shore at Fernando Po, to see if he could find a navigator.

On my voyage from Fernando Po to Philadelphia, no one was ill but myself and those who were ill when I first took charge of the vessel at Fernando Po. I think they were off duty four days. William Wepquish, Henry Giles, and Ben Johnson were their names. All three were off duty at the time I left Fernando Po. They were from two to three days off. I think it was three or four days before they were all on duty again. After that, and until I arrived at Philadelphia, they were not off duty. Palmer complained occasionally, but I think he was never sufficiently ill to be off duty.

Palmer was not a personal attendant on me. He used to write the log.

The wind was not favorable to go to Sierra Leone from Fernando Po. There is a tremendous current all the way down from Sierra Leone to Fernando Po, and wind S. S. W. That current extends some 40 or 50 miles from the land.

I am now drawing a portion of my pay, and the difference of my pay is that of an officer on duty, and that of an officer off duty, the same as if I was ashore at home.

Re-examined.

[I can be re-attached to the service immediately on my return. The admiralty could attach me immediately, but I have understood, from officers coming on to the coast, that they have found it very difficult to obtain employment.

Fernando Po belongs to Spain, and Prince's Island to Portugal; St. Thomas to Portugal, and the settlements at the mouth of the Kaboon to the French.

When the Huntress came into Fernando Po, Mr. Barrett made his report. I have no reason to doubt the accuracy of his statements. The Huntress touched the ground in going out. They were only shifting berth. It was nothing of any consequence.

There is a bar at the mouth of the Kaboon River. There are bars, dangerous bars, at the mouth of all the rivers along that coast.

I was not affected by disease whilst on board the Gladiator, or on the coast, and was attacked by disease on board the Huntress. I think the cabin was dangerously infected by disease when I went on board of her. The men's quarters were on deck, forward. I was attacked by illness soon after I left Prince's.

We went into Prince's in order to bend sails, and we bent sails because the sails on the brig were old, not what I considered sufficient to stand a gale of wind, and for that reason I went into Prince's, and for stock. I had no intention of going into Prince's when I left Fernando Po. I can't imagine any other object in going to Cape Palmas, and the other places named, than the possibility of finding some person there to take charge of the vessel, which I consider very problematical, very uncertain, from the reason of there being no white inhabitants, except merchants, or their employees.

From my knowledge of that coast, there was not such a chance of finding navigators in any of those ports as to justify me in taking the brig there.

Palmer was employed on board as a seaman, and kept his watch regularly, and was required for duty on board. The Portuguese did duty on board as a cook.

Adj'd till 11th Nov., 1850.

NOV. 11th, 1850.

When the Huntress came into Clarence Cove, she was out of water. I never heard of a letter of instructions on board the Huntress. I never saw one, nor did the second mate ever speak to me, or to anybody else, of such a letter in my presence. The papers were examined on board the Gladiator, and no such letter was seen or heard of.

Capt. Adams had not such a letter in his possession, to my knowledge.

During the time I was on the station, I was down in the Bight of Biafra once every two months for thirteen or fourteen months. I have been repeatedly in the neighborhood of St. Thomas, or Prince's. I have been on the cruising ground in the neighborhood of Cape Lopez, Prince's Island, and St. Thomas, repeatedly. I never, during my cruise, fell in with vessels of the American squadron. It is not the custom of either of the French or American squadron to come down there. They remain more in the neighborhood of the Cape de Verd, or the Madeira. I never fell in with them in the Bight of Biafra.]*

Re-examined.

I have never been at St. Thomas. I have been repeatedly at Prince's. We generally cruised about 40 or 50 miles from shore. We would usually pass three or four days in going backwards and forwards, and return again. We run within about 15 miles of St. Thomas, which we saw in coming home in the brig. The Gladiator had the whole of the Bights of Benin and Biafra. That extends from St. Paul to Cape Lopez.

I have been the whole way along the coast. There are no ports; it is one continuous coast all the way along, except the mouth of the river.

I have landed at Popoe, Whidah, and Badagra, and those are the only places I have been in. I went ashore in a canoe, the Gladiator being at anchor. I went on shore merely for a cruise. I have never been in Monrovia.

* Mr. Williams renews objections.

I have only landed at any place but Accra, south of Sierra Leone.

The captain's chest was on board the Huntress. I brought it home. I think he had not a writing-desk. The papers of the vessel were examined on board the Gladiator. I took them from the brig on board the Gladiator. I found them in the cabin. I think they were laying on the deck, where everything had been taken out of the cabin for purifying it. The captain's chest was also on the deck; it was locked. No inquiry was made for any papers except those I carried on board the Gladiator.

I don't know whether or not it is customary for captains of merchant vessels to carry letters of instruction. I heard no inquiry made by anybody for such papers. I made none myself.

I heard inquiries made by Capt. Adams as to the place where the vessel had been. Mr. Thomas answered him.

I really forget, at the present moment, the conversation that took place. We took either 6 or 7 casks of water on board, say 120 gall. each. The casks that were on board the vessel were filled. That was done by the crew of the Gladiator; it occupied, I think, about a day. The Huntress came on Monday night and sailed Wednesday morning; got under weigh about 7 o'clock. I have never been in the Caboon River.

The Portuguese was sent on board as a hand; he was not much of a sailor. He was not receiving any pay on board the Gladiator; he was not rated on board the Gladiator at all; he was merely kept there until he could get away.

Water can be had in abundance in any of these islands, Prince's, Fernando Po, &c. No assistance could be had in putting it on board. No canoe, or anything of that kind, to put water on board.

The brig had only one boat, which leaked very much. She might have been watered by this boat, but it would have taken a long time.

The Huntress had very little water on board when she came into Fernando Po; I can't say exactly how much. She had some in one of the casks; I can't say how much, but she was in want of water.

Re-examined.

[The chest of the captain of the Huntress was a leather one, rather more of a portmanteau. It was opened the day I was on board counting the money. There were papers in it which were looked over, then it was sealed. That was before I took the papers on board the Gladiator. I think it was opened by my orders. I did not find any letter of instructions in it.

The Portuguese that came on in the Huntress was told by Capt. Adams that he would receive \$12 per month wages. He was to assist; that was Captain Adams' idea. He took him to be a good sailor.]*

* Mr. Biddle renews exceptions.

Re-examined.

I looked over the papers found in the trunk of the captain. I looked over the trunk, the mate having told me that there was some money there, for some goods sold by the mate after the captain's death. I found the money and put it in the safe.

The papers were merely a few bills and receipts, which were sealed up.

I think the lock was forced open, the key could not be found, and then it was sealed up, with tape on it, and it remained so sealed until my arrival.

I believe the trunk was delivered to the captain's wife. I do not know whether the seal was broken when it was delivered to the wife. It was not broken when I left. The second mate, I suppose, had charge of the things on board when I left; the pilot had charge of the vessel. I do not know how soon after the arrival this trunk was delivered.

CHARLES ROBSON.

Sworn to on the 24th day of October, and subscribed this 11th November, 1850.

CHAS. F. HEAZLETT, *Com.*

Richard Palmer, being duly sworn, deposes and says: I am 20 years of age last July. I was a sailor on board the *Gladiator* in August last. She was then in Fernando Po.

The *Huntress* arrived there at Fernando Po; I don't remember the day. I was ordered to go on board the *Huntress* by the master-at-arms. It was by the order of Capt. Adams.

There was nothing right in the cabin of the *Huntress* when I went on board, trunks, &c. knocking about.

I never had much to do in the cabin, except some 10 minutes at a time. I have been in the cabin every day. In coming over, there was a very bad smell down there, a suffocating smell, if you stopped long enough. It always gave me a giddiness in the head.

Lieut. Robson had charge of the vessel. He acted as the captain. The men obeyed him, except in one instance, when they were painting the side. A man was ordered to go over, and he refused, as it was not safe. The vessel was going some four knots per hour. I saw a great deal of the second mate in coming over. I have talked several hours with him. He knows nothing at all about navigating.

Amongst us, we rated him as a pretty bad sailor. I have seen him write his name, and that is all; that was very badly written. He could not read but very little—just spell his words over; couldn't read figures.

I am a little acquainted with navigation; I assisted the lieutenant in taking his observations. I worked as a foremast hand all the while in coming over.

Cross-examined.

I was rated as an ordinary seaman on the *Gladiator*. I got £1.3. What clothes I got on board were deducted. I got £1.3 and paid for my own clothing. I had been on board the *Gladiator* since January last. The *Gladiator* was in Plymouth when I went on board her. I was sent on board of her from another ship in Plymouth, in January last. We arrived on the coast some two or three weeks after we left. The *Gladiator* sailed about the 2d Feb'y from Plymouth, and in two or three weeks after arrived at Sierra Leone.

I think the smell in the cabin was from the cargo and from the tremendous quantity of rats. They have the same sort of a smell in an East Indiaman. I have been on board of an East Indiaman. I was off duty 5 days coming home; three days the first time and two days the second time. Never entirely off duty, for I took observations and kept the log. Lieut. Robson told me what to put down. I never kept a log before. I never took the sun before I came on board the *Huntress*. I can work out an observation myself without assistance. I learned in the East Indiaman. Lieut. Robson worked his own observation and I worked mine. They might differ within a few seconds.

The information was obtained from the heads of the watches, and I wrote it on the log-book. The second mate took one watch and Levi Wepquish the other. They took alternate watches until the second mate was knocked off duty, three days before we made the Capes. He was knocked off duty by the lieutenant's orders.

Wm. Wepquish's brother kept watch when the mate was knocked off. We were not on soundings. I did duty as a sailor on board the *Huntress*.

RICHARD PALMER.

Taken, sworn, and subscribed, Nov. 11th, 1850.

CHAS. F. HEAZLITT, *U. S. C.*

NOVEMBER 13th, 1850.

Wm. H. Klapp, being duly sworn, saith: I am a doctor of medicine, practising in the city of Philadelphia. I am acquainted with Lieut. Chas. R. Robson. I was called on professionally by the lieut., the day of his arrival, or probably the next day, or soon after his arrival. He was in a very enfeebled condition, much too feeble to be out—he should have been in bed—so very weak that I felt inclined to put him to bed at my house. I thought he was hardly fit to be in the street. He rode to my house. His nervous system was completely unstrung, laboring under great nervous exhaustion. I prescribed for him, and advised him to make his way to his lodgings as soon as possible. I was sent for, I think, the following day,

to see him. I went and found him at the British Consul's, Mr. Peter's. I continued to visit him daily, twice a day on some occasions, probably for a week, when I was compelled by indisposition to leave the city, and I believe he was afterwards visited by Dr. Mütter.

When I first saw him, he seemed to labor under hysterical paroxysm—laboring under an excited nervous system, sobbing and crying.

[He told me that this sickness was the result of an attack of fever which he contracted on board this vessel.]* He had all the symptoms which are the results of a low form of fever, which they have on the African coast. I am surprised that he reached Philadelphia. I wonder that he did not die on board the vessel, considering the responsibility and anxiety he must have had. His organization and frame were very much disturbed. He was in a miserable condition.

The proper professional charge would be, if I was called to a hotel, at least \$20.

Cross-examined.

I am not attending Lieut. Robson now. I was compelled to leave the city by indisposition. I saw him last Sunday two weeks for the last time. I was not aware he was in town. I supposed he had gone back to England, until I saw Mr. Harding. He was still sick when I left the city; he was better, but not well. I received a summons to attend him the afternoon before I left the city.

I can't recollect how often I visited him. I saw him every day, and some days twice, while he was under my care.

He was confined to his bed most of the time. He was down in the parlor once or twice. The last two visits I paid him he was in bed.

It is very common for fevers to break out on persons some time after they have left the coast, on their return. It sometimes happens at an interval of some months. Change of climate would tend to make the disease develop itself. I hardly think that coming to a climate like this would have the effect to develop the disease. It is frequently the case that persons have the fever here that has been contracted on the coast. I have not seen Lieut. Robson since my return to town.

Re-examined.

The infectious state of a vessel may produce disease.

The case of a fatal case of African fever in a cabin, would be very apt to produce or occasion disease.

* Objected to by Mr. Biddle.

Re-Cross-examined.

If the cabin was purified by chloride of zinc, of course they would be less likely to contract disease.

W. H. KLAPP.

Taken, sworn, and subscribed, Nov. 13, 1850.

CHAS. F. HEAZLITT, *U. S. C.*

Richard Palmer recalled by Mr. Harding.

I was treated once by Lieut. Robson with rum or brandy. That was the day we left Fernando Po. I remember the difference Mr. Thomas had with the mate off Cape Hatteras. I never heard that Mr. Robson treated them with brandy or rum at that time. I am certain he didn't treat me.

RICHARD PALMER.

Taken and subscribed, Nov. 13th, 1850.

CHAS. F. HEAZLITT, *U. S. C.*

Charles R. Robson, being recalled, says :

[Be so good as to say whether there were any acts of insubordination on your voyage home, on the part of Mr. Thomas, the second mate ?

Off Cape Hatteras, in the evening, about 8 o'clock, I desired Mr. Thomas to heave the lead. The line was passed along, but wishing to make certain of the heave, I ordered more line to be passed forward, when Mr. Thomas, the mate, called out to me, from the after part of the vessel—I was forward—"There was line enough, and if I wanted any more, I had better come and pay it out myself." Being exceedingly angry, I went aft to him, and asked him what he meant by such damned impertinence, when he immediately jumped up from the gunwale, where he was sitting, on the poop where I was standing, and, in a threatening manner, said that he had been ordered to heave the lead; that he wasn't a d—d fool, and he wouldn't be interfered with by me; that I had not come on board to order him about, but to navigate the vessel, and wouldn't be buggerized about. I told him that the orders I thought necessary to give him, it was his duty to obey, without making any noise. Finding that there was 50 fathoms of line out, I ordered him to hold on the line, which was still running out, the lead having been hove at the time. His answer was, "The lead wasn't at the bottom," and still continued paying it out. I repeated the order, when he left the line, and walked away from it. I called him back again, and told him to attend to hauling in the lead. His reply was—That I had interfered with him, and he should have nothing more to do with it. I then sent for the person whom I thought best fitted to supply his place, Levi Wepquish, and in his presence asked Thomas if he intended to obey my orders. His answer was "No; that I had inter-

ferred with heaving the lead, and that he should have nothing more to do with it." I then, in the presence of the ship's company, which I called aft, told him that I suspended him from duty, and turning to the men, ordered them that they should no longer consider Thomas as mate of the ship, but would consider Wepquish as doing that duty, until the arrival of the ship at Philadelphia. Thomas then broke out in a most abusive strain, saying that he hoped gales of wind might come on and blow the ship off the coast, and that if any other person had been in the ship, she would have been home a month sooner.

Question: Did you on this occasion, or immediately after, or at any time after, give the men, or offer the men, or promise the men, any liquor or anything else, in order to conciliate them or get them on your side?

Most certainly not. There was no spirituous liquors on the ship.

Question: You have had opportunities of observing and knowing the currents on the coast between Fernando Po and Sierra Leone, and the neighboring ports. What is the direction of those currents and your means of knowledge?

The currents, during nine months of the year, run to the southward and eastward from Sierra Leone, with a strength of from one to $2\frac{1}{2}$, or 3 knots, with an occasional change of perhaps 24 hours, when they may run to the north'ard and westward, which is a very rare occurrence.

The three months that I except, are December, January, and February, which are called the Harmattan months, because the wind comes off the coast. When the currents do not run so strong to the southward and eastward, they may occasionally run to the northward and westward. My sources of knowledge are observations of the charts, and a continued observation during the time I was cruising on the coast. My observation is confirmed by conversation with others, particularly conversations with Com. Geo. C. Reed, U. S. N., who expressed himself to the same effect. I met Com. Read yesterday, accidentally, at the office of one of my counsel. Prizes going from the bights to Sierra Leone, take from 18 to 20 days, and from Fernando Po, it would be longer. If I said it would take 18 days from Fernando Po, the other day, I meant from the Bights.

Question.—Are you not now remaining in the U. S. in order to attend to this claim, by the advice of your counsel, for the protection of the interest of the officers of the *Gladiator* ?]*

I am.

Cross-examined.

I have not been in any ports between Monrovia and Accra, except one night at Cape Coast Castle. I have been at Accra; I was there last June, in the *Jackall*, and was ashore two days during the time she

* Objected to by Mr. Biddle.

was watering. I was there once before in the Cyclops, in the beginning of 1849.

The cruising ground of the British squadron is in both bights ; more particularly in the Bight of Benin.

While I have been on the coast, I have been attached to the Jackall, Cyclops, Fire Fly, Centaur, Butamont, Spy, Tortoise, and Gladiator.

The usual time for ships to remain on that station, is about two years ; officers may remain much longer. In my case, I should have remained 18 months longer. I went on the coast in November 1848. It was not my wish to remain on the coast, but having been promoted there, I became supernumerary lieutenant in that service.

Supernumeraries are always kept on all stations, for service, except they are detached by the order of the commander-in-chief. I was doing the duty of a lieutenant, who had been detached in the Jackall.

In the Cyclops we always cruised in sight of land. In the Fire Fly, occasionally some 30 to 45 miles off land, and sometimes in shore ; so with the Gladiator, according to the information we receive, being senior officer ; he oftener cruised in shore, than out of sight of land.

The principal slave trade is in the Bight of Benin, and Cape Lopez. There is more of the slave trade in the Bight of Benin, than there is in the Bight of Biafra, except at Cape Lopez.

I am still under Dr. Mütter's care ; still have an affection of the spleen, but so far as my general health is concerned, it is better, and is recovering.

CHARLES R. ROBSON.

Subscribed, 21st of November, A. D. 1850.

CHARLES F. HEAZLITT, *Com.*

Thomas D. Mütter, M. D., being duly sworn, says : I am a practitioner of medicine in the city of Philadelphia, and professor of surgery in the Jefferson Medical College. I know Lieut. Chas. R. Robson, of the British Navy. I attended him professionally between three and four weeks ago. I could tell exactly by my book, which I have not by me at present. He was then at the house of Mr. Peter, the British Consul. I found him at that time laboring under fever, pain in the abdomen, and all the indications of the Coast of Africa Fever. I considered him a very ill man. I attended him at first twice a-day. I attended him at Mr. Peter's. After that I attended him at Mrs. Levely's boarding-house. He was still so ill when he left Mr. Peter's that I thought of calling a consultation, and mentioned that intention to Mr. Reed. Finding him better next morning, I did not do it. Still he was a very sick man. He, at the time I attended him first at Mrs. Levely's, required care and attention. He was not then in a fit state to travel or be moved.

I can't tell exactly what my professional charge would be without looking at my book. It would be somewhere about \$50 or \$60. I have no doubt whatever of the disease or its origin. It is a case of coast fever.

THOS. D. MUTTER, *M. D.*

Taken, sworn, and subscribed, Nov. 25th, 1850.

CHAS. F. HEAZLITT,
U. S. Commissioner.

C. R. Robson, No. 1.—C. F. H.

H. M. Steamvessel "Jackal."

Lat. $2^{\circ} 50$ north; long. $9^{\circ} 45$ east.

4 August, 1850.

SIR:—I have the honor to inform you that the "Jackal," tender to H. M. ship "Gladiator," fell in with the United States brig "Huntress," on the 4th instant, in lat. $2^{\circ} 50$ north, and long. $9^{\circ} 45$ east. She was running down with all studding sails set, ensign Union down, standing in, as the mate supposed, for St. Thomas, instead of which she was running for the Caboon.

I immediately boarded her, and found that the captain of her was dead, and the chief mate dying from fever; and that there was no one on board capable of navigating her.

The second mate having requested me to take charge of her, as he said he could not navigate her, being unable to read or write, I directed Mr. Barrett, master's asst., to take charge, and navigate her to Fernandez Po, with a view of falling in with the "Gladiator," and receiving your orders; or, in the event of the "Gladiator" having sailed, to deliver her up to H. Britannic Majesty's consul on this coast.

The "Huntress" is a trader on this coast, and belongs to Philadelphia.

Trusting my proceedings will meet your approbation,

I have the honor to be, sir,

Your obedient servant,

[Signed]

J. B. BEDINGFIELD,
Lieutenant Commanding.

To Captain JOHN ADAMS,
H. M. S. "Gladiator,"
Fernandez Po.

C. R. Robson, No. 2.—C. F. H.

Declaration made by Mr. John Thomas, second officer of the United States merchant ship "Huntress," belonging to Philadelphia.

The chief officer of the "Huntress" was taken with fever three days previous, to leaving Sierra Leone. She arrived at Almeida on the 20th July, and sailed in about a week from thence, direct for St. Thomas. The chief officer remaining ill the whole time. The captain of the vessel was taken with fever on the 21st July, and died on the 27th; he was buried the next day. The chief officer, Mr. E. B. Taylor, then became master. We sailed on the 28th July, and, two days after, the first officer was again taken sick, and on the fourth day from leaving Almeida he became senseless. On the 5th day I thought I was about forty miles south of the line, and I found that my true lat. was $2^{\circ} 50'$ north, and long. $9^{\circ} 45'$ east. [From the statement of the boarding officer]. Not being able to navigate myself, I ran down on sighting a sail, and hoisted my colors reversed, as a signal that I required assistance from the man-of-war. I was boarded by an officer from Her Britt. Majesty's steamer "Jackal," off the river Caboon. I requested him to take her into some port for safety, as I did not know where I was, and had no one who could navigate her.

An officer of the "Jackal" was, at my wish, sent on board of her; took charge of her, and brought her to a safe anchorage into this harbor, on the evening of the 8th instant.

Immediately on the "Huntress" coming to an anchor, a medical officer came on board from H. M. S. "Gladiator," but the chief officer died a few minutes before he came.

I solemnly declare this statement to be true. In witness whereof I have hereunto set my hand on board H. B. M. Steamship Gladiator, at Fernandez Po, this 6th August, 1850.

JOHN THOMAS,
Second Officer of the Huntress.

Signed (having been previously read to deponent) in our presence.

JOHN BEECROFT.
Her Britt. Majesty's Consul.

WITNESSES,

JOHN ADAMS,
Captain H. M. S. "Gladiator."
WILLIAM LAMBARD,
Lieut. H. M. S. "Gladiator."
CHAS. R. ROBSON,
Lieut. H. M. S. "Gladiator."

C. R. Robson, No. 3.—C. F. H.

By John Adams, Esquire, captain of Her Britannic Majesty's steam ship "Gladiator," and senior naval officer in the Bights division, west coast of Africa.

You are hereby required and directed to repair forthwith on board the United States merchant brig "Huntress," and take charge and command of her, it being essentially necessary for the safety of the ship and cargo; the master and first mate being dead, and the second mate being incompetent to navigate her, and having requested me to take charge of her accordingly.

You will proceed with all dispatch to Philadelphia and deliver up the vessel, with the accompanying despatches to Her Britannic Majesty's Consul there, by whom you will be guided in your future proceedings.

You will be careful that the seals set upon the hatches are not broken, and that the money and other property on board is delivered to H. B. Majesty's Consul without loss or damage, as far as lies in your power.

Given under my hand at Fernandez Po, this 6th August, 1850.

JOHN ADAMS.

To Lieut. C. R. ROBSON, of H. B. M. Steam Ship "Gladiator."

C. R. Robson, No. 4.—C. F. H.

Her Britannic Majesty's Steam Ship "Gladiator," Fernandez Po, 6 August, 1850.

SIR:—As Her Britannic Majesty's Consul at Philadelphia, I have to inform you of the following particulars relative to the United States merchant ship "Huntress," belonging to the port of Philadelphia, Messrs. Roands and Co. owners.

H. B. M. steam ship "Jackal," tender to this ship, having been despatched in command of Lieutenant Bedingfeld, to the southward of this Island, on Sunday the fourth instant, the "Jackal" being in longitude $9^{\circ} 45'$ east of Greenwich, and in longitude $2^{\circ} 50'$ north, Lieutenant Bedingfeld observed a merchant vessel, which proved to be the "Huntress," with the American flag reversed, as a signal of distress; when he boarded her he found the master had died, it was said of fever, the first mate then ill and speechless. The second mate having no knowledge of navigation, being unable to write, and perfectly ignorant of the position of the vessel at that moment, he requested Lieutenant Bedingfeld, to take charge, for the safety of the ship and cargo. An officer of the "Jackal" being immediately sent on board the "Huntress," arrived safely at this place, Clarence Cove, Fernandez Po last evening, the 5th instant; when the first mate fell a victim to the disease which has proved fatal to the master.

From the information I have received from the second mate, it

appears that the "Huntress" was on a trading voyage, in charge of the master, and has no consignees or agents on this coast, and the surviving mate being unable to take command of the vessel and prosecute the voyage, or to reach America, I have deemed it best for the interests of the owners of her, and with the wish and desire of the second mate to place Lieutenant Charles R. Robson in charge of the said vessel "Huntress," to make all possible despatch with her to Philadelphia, to be delivered up to you, and restored to the owners.

Acting in this matter as the guardian of the interests of the ship's company under my command, I leave a point of such delicacy as remuneration in your hands, so that it may be arranged conformably to the practice and usage in cases of a similar nature, occurring between nations in such friendly amity as the United States and Great Britain, in full confidence that you will in nowise compromise the honor of the navy to which the "Gladiator" belongs.

The "Huntress" being short of water, she has been supplied with that, and also with an anchor, of which she stands in need, the money on board being counted and secured, and her hatches sealed down, she will sail from this place to-morrow for Philadelphia.

I am, sir, your most obedient servant,

JOHN ADAMS,

Captain, and Sen'r Naval Officer.

To Her Britannic Majesty's Consul, &c. &c. &c., Philadelphia.

C. R. Robson, No. 5.—C. F. H.

Contents of Iron Chest.

A 1, Package cont'g small gold rings (in drawer.)				
A 2, Package cont'g gold rings and rough gold.				
No. 1,	Package supposed to contain	7	15	0
2,	Do. do.	5	0	0
3,	Do. do.	5	0	0
4,	Do. do.	4	15	8
5,	Do. do.	3	0	0
6,	Do. do.	4	0	0
7,	Do. do.	4	0	0
8,	Do. do.	3	0	0
9,	Do. do.	2	0	0
10,	Do. do.	3	0	0
11,	Do. do.	3	0	0
12,	Do. do.	1	10	0
13,	Do. do.	2	0	0
14,	Do. do.	3	0	0
15,	Do. do.	6	9	2
16,	Do. do.	5	0	0

No. 17, Package supposed to contain	3	0	0
18, Do. do. small	5	0	0
19, Do. do.	3	0	0
20, Do. do.	3	0	0
21, Do. do.	4	0	0
22, Do. do.	3	0	0
23, Do. do.	4	7	6
24, Do. English money	47	4	0
25, Bag cont'g foreign dollars	144	in No.	
American $\frac{1}{2}$ dollars	89	"	
$\frac{1}{4}$ dollars	29	"	
$\frac{2}{3}$ pieces	2	"	
26, Package supposed to contain	6	0	0
27, Do. do. small	5	0	0
28, Do. do. small	5	0	0
29, Bag said to contain 198 five-franc pieces.			
30, In drawer of chest, . . .	8	3	6
31, Bag of small money, value unknown.			

CHARLES ROBSON,
Acting Lieutenant.

CHAS. N. GOODYER,
Clerk.
H. M. S. S. Gladiator.

Approved,
JOHN ADAMS, *Captain.*

C. R. Robson, No. 7.—C. F. H.

Alfandiga da Ilha de Principe.

Ventura Director, N. 16.

Folha dos 6m'tos que paga n'esta Alfandiga Illmo. Senr. José Joaq'm de Mello, pr. 2º Tenente da Marinha Inglesa, pertinente a guarnicao do Vapor de Guerra denominado "Gladiator," o qual Vas encarregado do Brigue Americano Antris, entrado n'este Porto un 13 do Corre, pa. tomar refresco.

Visitas déntada a sahida, 480	.	.	.	.	rs.960
Termos, do. do. 240	.	.	.	.	480

Ps.1 440

Alf'a da Ilha de Ppe. 14 d'Agosta, de 1850.

JOS. F. S. VIAGMA,
G'da Mor.

Recibe aconta acima,
M. R. F BORGON, *Tesoro.*

C. R. Robson, No. 8.—C. F. H.

Cargo sold from brig Huntress by Lieut. Robinson.

5 bbls. flour, at \$10	\$50 00
1 piece cloth	5 50
4 hats	96
2 boxes cider	6 00
	<hr/>
	\$62 46

Received on acct. by John R. Rue . . . \$25 04

Cash expended for brig Huntress by Lieut Robinson.

Port charges at Prince's Island . . .	\$1 44
Stock	30 02
Oil	8 88
Coal and wood	6 00
30 lbs coffee	6 00
50 yams	4 08
One anchor, 6 cwt.	30 00
	<hr/>
	\$86 42
2 boxes cider	6 00
	<hr/>
	\$92 42
John Venable	1 00

*In the District Court of the United States in and for the Eastern
District of Pennsylvania. In Admiralty.*

ROBSON *et al.* }
vs. } SALVAGE.
THE HUNTRESS. }

Depositions of witnesses, Ep. respondent taken before C. F. Heazlitt, commissioner, Nov. 12th, 1850.

Mr. W. B. Reed and Mr. Harding for Libellants; Messrs. J. W. Biddle and Henry J. Williams, for Respondents.

John Thomas, being duly sworn, deposes and says: I am a seafaring man, and have followed the sea 12 years; I am 29 years of age. I was the second mate of the brig *Huntress*, on her late voyage from the coast of Africa. On our outward voyage, the first port we made was Sierra Leone; Sturdevant was master; Taylor was chief mate; I was second mate; the crew were Bill,

Levi, John, Harry, and the steward: these we took out from here. We shipped another man, Wm. Johnson, at Sierra Leone; he returned to Philadelphia on the vessel. I think we stopped four weeks at Sierra Leone: some of the cargo, tobacco, flour, lumber, butter, lard, and cider, were sold there; bread also. The captain sold the cargo himself, he had no agents on shore, only Burnett; the vessel was consigned to him. He kept a store, a kind of ship chandlery store; I understood the vessel was consigned to him. From Sierra Leone, we went to Monrovia, and remained there two days; from there we went to Cape Palmas, and from there we went to Elmina, where the captain died. The cause of the captain's sickness was his being capsized twice in a canoe, and having a sore leg. The canoe was going ashore with him, from the brig. He had no fever before that on board the ship; he did not return on board the ship after being upset, he died on shore; he died six days after he went ashore, and the seventh day we buried him. Before he left the vessel, the captain had good health. The captain died on Sunday; the mate went ashore and settled up his accounts, and we sailed on Monday; when we left Elmina, we were bound for St. Thomas; the first mate was in command, and remained two days on duty, on deck. The fever was the cause of his going off duty; after he went below, he was no use to me whatever; when he went below, I took charge of the vessel; when the chief mate went below, we were steering E. by S. $\frac{1}{2}$ S. I altered her course the seventh day after the mate went below, to E. N. E. I kept continuing on the course given by the chief mate till the seventh day, when I altered it. I was in hopes of making St. Thomas by keeping on his course. On the seventh day, I steered E. N. E. I thought I was south'ard of the line, when I kept her off; I kept her on that course all Saturday, and on Sunday morning at 2 o'clock I made the land. It was all of 20 miles off, when I made it, that is, when it was first seen; I tacked ship, and stood off till morning.

On Sunday morning, I kept her off, N. N. E. At two o'clock, P. M. I fell in with the "Jackall;" I was then taking in sail; I was coming to an anchor; I was going into the Caboon River; I was about six miles from it; near a French brig; I saw the French brig before I saw the Jackall; I was going to anchor right in the mouth of the river, so that I could get water.

When I saw the Jackall, I told one of the men to hoist the colors, and he went to work, and hoisted it "union down;" I didn't know it until I saw it; then the master of the Jackall came on board; she run down for us first; I mean by the master, the lieutenant in command, Lieut. Bedingfield. I told him that I buried the captain in Elmina, and the mate was on his death-bed in the cabin. He took me then on board of the Jackall, and showed me on his chart where I was, in $2^{\circ} 50'$ north; I don't recollect the longitude. He asked me if the brig was a smart sailer, and where I wanted to go with her; I told him I wanted to go in somewhere where I could

get assistance for the mate ; he told me that he would send an officer on board, who would take me into Fernando Po.

The officer was put on board, and we went to Fernando Po. We set sail for Fernando Po on Sunday morning ; made Fernando Po on Monday morning, and came to anchor Monday afternoon. We then sent the boat for doctor, to the Gladiator ; Mr. Barrett went in the boat ; the doctor came on board, but some ten minutes before he came on board, the mate died. After that, the captain of the Gladiator sent for me, and I went on board ; Captain Adams was commander.

The captain asked me if I had any consignees at Sierra Leone ; I told him that Mr. Burnett was our consignee ; he thought that it would be such a tedious passage to beat up there, that it would be better to send her home. He did not ask me anything about the sailing qualities of the brig ; I told him that there was a vessel at the island of Thomas, which belonged to the same owners, and I thought it would be the best place I could go in, to get the mate or second mate, or some one to navigate her home. He asked his first lieutenant and purser, what it was best to do with the vessel ; and the purser told him that the best thing he could do, was to send her home ; he then asked me if I thought I could get a man on shore to go with me on a trading voyage, and sell out what I had on board. Previous to this, however, something was said about the Gladiator taking the brig to St. Thomas ; Captain Adams told his first-lieutenant that the best thing he could do was to tow her there ; then they got talking it over, and Captain Adams thought it was the best thing to send her home.

I went on shore in consequence of what Capt. Adams said ; there were only two men there, and they were not trusty, to go on the voyage ; I told Captain Adams that. Then Captain Adams told me he would put Mr. Robson on board, and send us home. He called Mr. Robson, and told him that he would put him on board to assist me in navigating the vessel home ; he told him that the vessel was not in distress, that I was fatigued out, and to give her up to the owners ; and to tell the British consul not to have anything to do with her ; and further told him to make the best of his way home to England from Philadelphia. That was all that passed. We set sail the next day. He, the captain, told Mr. Robson to make the best of his way home, and not stop any way whatever ; that was the last word he told him. The first land we made was Prince's Island, one week after we left Fernando Po. We remained there one day ; the next land that we saw was St. Thomas ; I should think we were distant about 15 miles, about two o'clock P. M. We did not go into St. Thomas ; from thence we came to Philadelphia. When we got off Bermuda, he, Mr. Robson, wanted to go into Bermuda.

At the time the Jackall fell in with us, the vessel was fully supplied with provisions for her voyage ; the crew was sufficient to work the vessel ; the ship was well supplied with everything, sir. The weather was very mild, moderate, and had been so all the way, from

the time we left Elmina. We had light winds from the time we fell in with the Jackall, until we saw the island of St. Thomas; fair wind. The wind generally about that time was S. S. W. There is a great deal of foreign trade at Sierra Leone; there were French, English, and Dutch vessels there, when we were there. There is considerable trade at Monrovia, pretty much all nations trade there. There was one English barque laying at Cape Palmas, while I was there; there was five American vessels, two English brigs, and one Dutch brig, at Elmina.

Question.—Would you think it likely that a vessel in the condition yours was in, taken in either at Sierra Leone, Monrovia, Cape Palmas or Elmina, could have got a navigator from some of the vessels there?

Yes; we could have got one at Elmina; we could have got one at Cape Coast, Monrovia, or Sierra Leone.

None of the crew were ill after we left Fernando Po; all the matter with them was a little headache, and they got well the day after we left.

Nothing more than a navigator was required to enable me to take that vessel to any port I wanted; I was not able to calculate the observations. If I had been able to calculate an observation of the sun, I would have been able to have brought her home myself without assistance.

There are vessels trading along the coast, manned entirely by blacks; they keep along the coast; don't leave sight of land; their captains can't write their own names; there are many vessels so employed in that trade; I never knew any danger from pirates along that coast; I did not at any time apprehend danger from piratical slavers, nor had I any cause to believe we were in such danger. From what I saw of the coast, it didn't appear to me to be a dangerous coast; it is not a dangerous coast.

From the time we made the land, on Sunday morning at two o'clock, until we met the Jackall, our brig was not in any danger.

Question.—Before going to sea from Fernando Po, do you recollect anything about your vessel touching, in shifting her berth?

Answer.—Yes, sir; they got me ashore there; the bottom is coral rocks. The gunner had charge of the brig; (the gunner from the *Gladiator*.)

Mr. Barrett was on board of her first; the captain was going to send him to take her home; afterwards he recalled him, and sent the gunner to take her out. If Mr. Barrett had had her in charge, he was going to make sail on her, and she would have gone out clear. The vessel was not hurt at all.

I sail to-morrow in the *Huntress*, for the coast of Africa.

Cross-examined.

I was never on the coast of Africa before, and knew nothing of

it. Sierra Leone is a pretty large place; I should think there was all of 2000 inhabitants there; I can't tell exactly; mostly black.

Burnett keeps a ship chandlery shop: he is an Englishman. There is no American merchant there; no American keeping a ship chandlery shop there.

Burnett's shop is a pretty large one; I saw some American vessels at Sierra Leone; the brig Delaware and the Clara; they were getting ready for sea. We did not leave them there; they left before we did. We did not find any American vessel at Monrovia; that is a small place; inhabitants nearly all blacks; there are a good many American merchants there.

I don't think the captain died of the coast fever; the mate did. We sailed from Elmina two days after the captain's death, for St. Thomas; and the mate was taken sick with the fever two days after we sailed.

We had clear weather after the mate was taken sick; bright clear weather.

I did not know where we were on the second day after the mate was taken below; nor did I know on the third day; nor at any time after the mate was taken below, did I know where we were, only I thought I was 30 or 40 miles south'ard of the line; instead of which I was $2^{\circ} 50'$ north. When I altered my course, I thought I was south of the line, instead of which, I was $2^{\circ} 50'$ north. I took no observations; I could take the sun, but I could not count it off; I could bring the sun down, but I couldn't tell the mark on the quadrant.

I knew where I was, when I made the land; I knew by the chart where I was; I was off the Caboon, that is where I first made the land; I knew by the chart that I was pretty near to it. I had a man who knew it. The man was Levi.

I think, and believe now, that I was near the Caboon when I first made the land; I was about 15 miles from the Caboon, when I fell in with the Jackall; I am as confident of that, as I am of anything else I have said.

This man, Levi, had taken American missionaries up the river, knew it, and told me that it was the Caboon; I had no knowledge of my own.

The officer, when I fell in with the Jackall, told me I was in $2^{\circ} 50'$ north; then I was off the mouth of the Caboon; then I saw the mountains.

When we tacked ship on the morning we made land, I was in ten fathoms water, within 20 miles of land; I hove the lead myself; Levi, when he saw the land, was scared, and sung out that the ship was ashore. It was rather dark that night; I was scared at first when I jumped out of the cabin, but I hove the lead, and found we were safe enough. I saw the ship was in motion all the time, and I hove the lead before I put the ship about; I hove the lead after putting her about, and when I got everything in trim, I found we

were in twenty fathom water. One of the men hove the lead and got twenty-five fathoms; the man was Henry Giles.

I forget the land I made; I don't know what land; I think it was the Caboon river.

I stood off, hove the main yard aback, and laid to till four o'clock, A. M. We did not lose sight of land again; and I then thought, and think still, that I was off the mouth of the Caboon.

I should think I run about 15 miles from where I first made land, till I fell in with the French brig; the wind was light, and we were running slowly through the water.

Question.—Do I understand you to say that from the mouth of the Caboon river to where the Jackall boarded you, was about 15 miles?

Answer.—Yes.

Question.—Do you feel as confident of that, as you do of anything else you have stated?

Answer.—Yes, sir.

I have stated all the conversations which passed between me and the officers of the *Gladiator*; captain, &c.

Mr. Robson heard what Captain Adams said, about telling the British consul to have nothing to do with the brig.

The name of the brig belonging to Mr. Rue, at St. Thomas, was the "*Chattahooche*." I knew she was there, having sailed a week previous to us for St. Thomas, from Elmina.

JOHN THOMAS.

Examination continued till to-morrow morning, at 9 o'clock.

WEDNESDAY, NOV. 13th, 1850.

I heard of the brig *Chattahooche*, when I went into Prince's Island; she sailed a week ahead of us for home. She had left St. Thomas, and come to Prince's, and sailed from Prince's home.

I was 20 miles from land when I put about, as near as I could judge, and in ten fathoms water. I could see the mountains; the land is pretty high along there; I saw the mountains in the night. I mean the mountains off the Caboon.

Mr. Robson said he was sick, and that is the only reason that I know, that he wanted to go into Bermuda for. We had then two casks of water, and a cask of rain water, plenty to last us home. He talked of going into Bermuda after we caught the rain-water.

Question.—Are you just as sure of that, as you are that you were off the Caboon river when you put about?

Answer.—Yes, sir; I am.

Question.—Had you any quarrel or difference with Mr. Robson on your way home?

Answer.—We had a few words, concerning my duty, which was none of his business.

He was in command of the brig; by order of the captain he was to assist me in navigating the brig home, he had nothing to do with my duty. He suspended me from duty for 24 hours. It was not for disobeying order. He told me to heave the lead; I hove the lead, and told the man there was line enough overboard. Mr. Robson said, "d—n you, stick out the lead further," and I d—d him back. He then came aft, and asked me what d——d impertinence that was, that I was talking to him; then I told him that I thought I knew my duty, that the captain or mate never spoke to me about such a thing as that; that I had been at sea some time, and knew my duty. Then he told me that I was a d—n impertinent scoundrel, and I told him back that he was another one; then I asked him, "do you think that I am d——d fool, or a d——d jack-ass? Then he knocked me off duty, and called the men aft; then I believe, he went to work treating the men with brandy, to get them against me. The next morning, I went down in the cabin, and told him that it was hardly worth while to have any more words about it, that I shouldn't say anything more about it, if he wouldn't. Then he told me to go to my duty, that he wouldn't have anything more to say about it, and the matter dropped; I begged his pardon. I then continued on duty till the end of the voyage. I was not put off duty after the pilot come on board. I was put on duty the next day after the difficulty with Mr. Robson. We took the pilot that day. We were off Cape Hatteras. We didn't find land at the time the order was given by Mr. Robson to heave the lead. He was jawing with me, and I left the line.

I was mistaken, I was put on duty the third day after being suspended.

The Jackall first bore down for me, and then I bore down for her. I was keeping on my course when I first saw her; she bore off for me, and I for her.

The French brig was lying close to the mouth of the Caboon; there is a village there, but I don't recollect the name.

Exhibit annexed to libellant's deposition as No. 2.

The signature to Exhibit No. 2, is in my hand-writing.

I have not had a word of conversation with anybody about this case; in fact, I thought it was all dropped; I never said anything about it; I found out it was not all dropped when Mr. Rue told me of it. I don't recollect whether it was last Tuesday or Wednesday, that Mr. Biddle sent down for me; I mean Tuesday week; I have not talked this matter with Mr. Rue, nor with Captain Jones. I don't know the man. I have not seen any of the insurance office people—Mr. Riche or Mr. Coffin.

Captain Adams said, he thought it was the best thing upon the whole, to send the brig home; and at the time I consulted with him too, and I thought it would be the best thing for the sake of the owners, to send her home.

I did not tell Lieut. Bedingfield of the Jackall, or any of the

officers, that my Union was down by mistake, I never thought of it, I was so worried; I had the mate dying on board. I had been up a week without rest; had a colored crew, and couldn't trust them. I knew I was off the Caboon river.

Question.—Do I understand you to say, that the only thing you are sure of was, that you were off the Caboon river?

Answer.—Yes, by Levi, who had been there two voyages, and he was sure he was off the Caboon river.

I was ashore four times at Sierra Leone. I went to Mr. Burnett's ship chandlery store.

Re-examined.

Question.—Was or was not the reason for thinking this the River Caboon, because?—

Answer.—Because Levi told me.

Cross-examined.

I have not been told since last night that I made a great mistake about the River Caboon. I still think I was off the River Caboon, when I put about.

I am just as sure.

Question.—Are you just as sure that you were off the River Caboon, as you are of anything else you have stated?

Answer.—I am.

JOHN THOMAS.

Taken and subscribed, on the 12th and 13th days of November, A.D., 1850. Sworn on the 12th Nov., 1850.

CHAS. F. HEAZLITT, *Commissioner.*

NOVEMBER 15th, 1850.

William Jones, being duly sworn, deposes and says: I am a master of a vessel; master of brig *Chattahoochee*. I have followed the sea 30 years. I have made one voyage to the north west coast of Africa. I have made several voyages to the south west coast.

The north west coast is north of the line, from the Bights of Benin, as far down as the Cape de Verds. The south west coast is south of the line, to the Cape of Good Hope.

I returned in the *Chattahoochee*, on the 4th or 5th of October last, from the coast. On my last voyage, I touched at the principal ports from Gambia to Quita; a port of entry—a British port. I touched at Gambia, Maticon, an island, Sierra Leone, Cape Mount, Cape Mesurado, Grand Bassa, Sinon, Cape Palmas; from there I went down as far as Apollonia, Dix Cove, Seconde; then St. George Elmina, Cape Coast, Accra, Anamaboo, and then down to Quita, and Blackloose, a native port, in latitude 6° and 40'

East. I touched at Monrovia. From Blackloose, I went to Prince's Island; and from Prince's to St. Thomas; from St. Thomas, I tried to fetch into Grand Bassa, but in consequence of a strong westerly current, where the charts and books gave an easterly current, I went to leeward of Grand Bassa, and had to go into Monrovia.

I left St. Thomas in July; about the 13th or 14th of July. I was 9 days in going from St. Thomas to Monrovia. I should have been 8 days, but I wasted 24 hours in trying to beat back to Grand Bassa. From Monrovia, I went to Sierra Leone; I was 36 hours in going from Monrovia to Sierra Leone.

At Sierra Leone, I believe a navigator could have been obtained almost at any time; in Monrovia likewise, on account of our men-of-war being there; they always put in there, and I believe there are navigators to be obtained ashore, as they have vessels of their own sailing from their port. The Monrovia man-of-war is always laying there. At St. George Elmina, they would be most likely to get one, as there are American and English vessels always trading there. Next, at Cape Coast; all along down that coast there are American vessels; then Acra; when I was there, there was a captain and mate of an English brig there, that had broke from her anchors, and cast away; they were anxious to get to any part of the world from that coast. Next, Anamaboo, there you might fall in with an American or English vessel; there is a great deal of trade up and down that coast; a navigator might have been obtained from one of these. Next, Quita; there are a great many trade there, Dutch, English, and American traders, from whom they would be very likely to obtain a navigator. Then Prince's Island; a navigator might have been obtained from a Portuguese man-of-war, and sometimes our men-of-war stop there. At St. Thomas, there they can obtain a Portuguese navigator, or an American, which vessels often stop there. There are ships of their own sailing out of this port.

The captains of the Portuguese vessels in St. Thomas understand English, sufficient to take charge of a ship. There were one or two laying there when I was there, that spoke very good English. When I was at St. Thomas, a good navigator could have been had there, to take her to any place. A competent navigator could be had at St. Thomas easily, for \$50 or \$60 per month. They have very low wages there. They could have been got easily for \$60 a month. The master of the Portuguese vessels seldom get more than \$40; \$45 the highest.

Question.—If a vessel was found on that coast in July, or August, in latitude $2^{\circ} 50$ north; longitude $2^{\circ} 45$ east, how long a time do you think it would take, to take her to Prince's Island, with the winds that are prevalent at that season of the year?

Answer.—It would take four days. It would take about three days to beat from Prince's Island to St. Thomas. I have been at Prince's Island only twice. I wasn't much acquainted until this time. I have been to St. Thomas once, this last voyage.

It would take a vessel to go from the same position, about 5 days to go to Quita, six days at furthest.

It might make a day's difference in the sail from Fernando Po to Quita, on account of having to haul more in the wind.

It would take a vessel at that season, 14 or 15 days to go from Fernando Po to Sierra Leone, about the longest would be 14 or 15 days.

It would take some 6 days to go from Fernando Po to Accra. Off Accra we have to heave to; we can't come to anchor, there are no lights.

It would be about $7\frac{1}{2}$ days, the way the current was, when I was there, to go from Fernando Po to Elmina; from Fernando Po to Cape Palmas would give her a day more, 8 days. From Fernando Po to Grand Bassa, she ought to do it in 9 days, that is, if she had the winds as I had them, and they were rather light, and in the fore part of July.

The prevalent winds at that season of the year, July and August, were from W. S. W. to S. S. W.; from the middle of June, when the wind changed, until I left in August, they were then the same. I left about the 17th of August. I would call these winds fair to go from Fernando Po to Sierra Leone, all the way. After you come up to Cape Palmas, you can go with studding sails, below and aloft, and strong current wind with you.

The current from Cape Three Points to Quita runs about west, that is, the time of year with S. W. winds; with westerly winds it runs the other way, that would help the vessel along; off Cape Mesurado, it runs three knots in 24 hours. I did not gain three times the length of the vessel, beating against the current, that is, when I was trying to go to the eastward to Grand Bassa.

The weather in July and August is rainy, thick weather; strong breezes; towards 8 or 9 o'clock in the morning it generally clears away, and in the evening it is thick and rainy. I have never been far in the Bight of Benin. I have been in the Bight of Biafra, in the River Caboon, and all down that way. That coast is not to the best of my knowledge infested with piratical slavers. I never knew or heard of any piratical depredations. Our American vessels are trading up and down all the time, on that coast, the south coast, and are never molested.

In my previous voyages to the coast, all of them have been as master.

I have been five voyages on the south coast, and one the north-west coast, that is, in the capacity of master. On my voyages on the south coast, I have gone as far north as the Camaroons, but never up the river.

Down towards the Bight of Benin it is sickly, and down towards Fernando Po it is sicklier still.

Prince's and St. Thomas are very healthy places. Accra is rather sickly; the gold coast, that is, from Cape Three Points, down as far as Quita, is more sickly than it is at the northward.

In all my voyages on the coast, my crews have always been

healthy, and even this time, all my crew was well, except myself. I got sick ; the canoe capsized with me, and I got wet.

In my former voyages, myself and crew have all been healthy, and on this last voyage, nobody was ill but myself. The other officers of the vessel, while I was sick, came in and went out of the cabin ; they lived in the cabin, while I was sick with the fever. None of them were affected. African fever is no ways contagious from one to the other. I do not consider that they were running any risk by being in the cabin with me ; if I had, I should have prevented it.

Mr. Shoning was my consignee on my last voyage to Sierra Leone ; when I went there before, Messrs. Oldfield and Burnett were my consignees ; both of these times were on the same voyage.

Question.—From what you know of these gentlemen, have you any doubt, that if the Huntress had been brought in there in want of a navigator, that they would have procured one for her ?

Answer.—I have not the least doubt, for I know myself of one or two there, residing ashore, and who would have been glad of a chance to get to the United States.

Question.—[Objected to by Mr. Harding.] Would they or not have undertaken to have completed her voyage further, if she had come in there ?

Answer.—They would have completed it at Sierra Leone.

The Huntress was consigned to Oldfield & Burnett, at Sierra Leone, and whilst I was there, I received a letter from Captain Sturdevant, through Mr. Schoneman, and that, with what Mr. Burnett told me, makes me assert that they were the consignees.

Oldfield & Burnett keep a ship chandlery store ; large business ; and he has some appointment under British government, in reference to slavers taken by the British squadron. I now allude to Mr. Oldfield. The firm deal in cargoes themselves ; they purchased from me a lot of \$300 or \$400 worth of flour, &c. I should say, they were as large a house as any there. They supply all the men-of-war there ; [and from what I know of them, I am certain that if the Huntress had come in there, they would have taken charge of her, as she had been consigned to them before.]

The foregoing in brackets is in answer to the question.

From what you know of Oldfield & Burnett, if the Huntress had been brought in, would they have taken charge of her ?

From what I know of Mr. Schoneman, I think he would have taken charge of the Huntress, if Oldfield & Burnett had not ; that is, if he had been there.

I did business with Mr. Freitas, at St. Thomas. He was my consignee at St. Thomas, and I think, that if the Huntress had been brought in there, he would have supplied her with a navigator, finding out that she was in distress.

I have seen the brig Huntress. I should say four men were a sufficient crew for a vessel of her size ; two officers, a master, besides

a cook, and I think a crew of that number, is amply sufficient for a brig of her size.

I have never been into Fernando Po. I have been at anchor off Camaroons river.

Our American men-of-war usually touch at Prince's and Monrovia. Lately, the Perry and Yorktown cruise on the south coast. They stop at St. Thomas when they are in want of provisions; as also the English. The commodore's ship was at Prince's about a month before I was there this time. And the Yorktown I met at Monrovia, from Prince's Island.

A vessel in the position mentioned, long. $9^{\circ} 45'$ E., lat. $2^{\circ} 50'$, couldn't have got to the north easily, on account of the Bight of Benin, but they could have got to the southward easily, a fine bold coast. It is a bold coast all along the Bight of Biafra. Stand in 9 fathom water. You can stand in, within two miles of shore, in 5 and 6 fathom water. Stand any where within two miles. I have stood within three times the length of my vessel. All the dangers on the coast are in sight, above water, except at Cape Palmas, where there are some shoals; to the southward of Cape Palmas there is no danger.

In the Bight of Benin, the only difficulty is the wind and current, and the current extends three or four degrees, but after the extent of two degrees, the current will run about $\frac{1}{2}$ a knot.

From the Camaroons River, down to Cape Lopez, I have never seen any danger. There are shoals close in to the River Caboon, but you must go close in to reach them; but the lead is a good guide for any man along that coast, a good guide as can be.

The "Chattahoochee" was one of John R. Rue's vessels, on this last voyage, she belongs to him now. I don't belong to any of his vessels now. I was once to the N. W. coast of Africa; that was the last voyage. The furthest north I have been, has been the River Gambia, on the N. W. coast.

The most northerly point that I have ever been before, on the S. W. coast, was the Camaroons river.

I have been to Prince's twice altogether. I went from Los Angeles to Camaroons. I came all the way up the coast; from Camaroons, I went back to Cape Lopez. I went from Los Angeles north to Camaroons.

I kept the land all the way up; keeping the coast in sight, except off Cape Lopez, where the bights make in. I didn't think proper to make into the bight. I made the best of my way. I didn't stop anywhere on the coast. I kept the same straight course at night as at day, running the same distance off land. I kept my reckoning all the time, but I could have gone just as well with the lead; the land was always in sight except off Cape Lopez.

The first place I made on my last voyage was Gambia, that is a port of entry. Then the Island of Matacong; thence to Sierra Leone; thence to Cape Mount; thence to Cape Mesurado; thence

to Grand Bassa; thence to Sinon; thence to Cape Palmas; thence to Apollonia; thence to Dix Cove; thence to Secondee; thence to St. George, Elmina; thence to Cape Coast; thence to Accra; thence to Anamaboo; thence to Quita; thence to Blackloose; thence to Prince's Island; thence to St. Thomas; and from St. Thomas, bound back. I tried to put into Grand Bassa, but in consequence of a westerly current, I put into Mesurado; from thence to Sierra Leone; from thence to Matacong, and from thence to the United States. I left on the 17th of August.

I run in Sierra Leone on the 5th of August. I have never gone from the Bight of Biafra to Sierra Leone, there is no beating except in the Harmattan season. No beating from there to Sierra Leone, except in that season.

The current along that shore runs to the north'ard; there is no easterly current, except in the Harmattan season, when the wind is from E. to S. E.

The arrows on the chart indicate the way the current runs in the Harmattan season; in other seasons, the current runs the other way; that is what made me miss Grand Bassa. The current off St. John runs to the northward, as the arrow points, all the year round.

I know the current is contrary in the rainy season.

I have never sailed right down to the bights, in the direction of Fernando Po, towards Sierra Leone. I have never sailed direct from Fernando Po to Sierra Leone. The nearest coast I have ever taken, has been from St. Thomas to Mesurado. It is near the same course, but I kept off a long distance from the land, on account of the currents, for I found the currents different from the direction on the chart, that is, in the direction from St. Thomas to Mesurado.

I allude to the arrows on the chart off the gold coast, where I have been, and where I have found the currents running contrary direction to the arrows on this chart, as well as the one on board of my vessel.

The first-lieutenant of the Centaur, Com. Grimshaw, told me, when I was speaking to them about the current, that they had found a strong current setting to the westward, and they were bound to Prince's Island, for water and fresh provisions; by my reckoning then I was off Cape St. Paul, about the lat. $4\frac{1}{2}$. He boarded me to inquire if I had seen the American commodore. He wanted to see him.

I have never been at Fernando Po, nor have I been from there to Sierra Leone.

If I was at Fernando Po, and wished to go to Sierra Leone, I would steer about W. S. W. I have made a mistake, I would have steered west, on account of two points westerly variation. I was thinking easterly.

I would have the wind with me, and no beating on going from Fernando Po to Sierra Leone. The way I had the wind, in coming

from St. Thomas, a vessel would lay six points braced up to the wind.

It would take 14 or 15 days to go from Fernando Po to Sierra Leone. I supposed that the current would be all the time with me, and I had a fair wind; that is, the same wind and current I had when I went from St. Thomas to Mesurado.

The other times are upon the supposition that the winds and currents were favorable.

Were the other times, which you stated in your examination in chief, for runs between several places, based on the supposition that you had in each place a favorable wind and current?

Yes, sir, with the winds and currents favorable.

I had two consignees at Sierra Leone, one upon each occasion. Mr. Rue's vessels had been before consigned to them. I did not go to the same consignees the second time, because I had objection to it. He was too busy. I left Messrs. Oldfield & Burnett—the cause I have mentioned—they were ship chandlers and merchants. They sell your cargo, and you pay them so much per cent. Mr. Schoneman was the second consignee. On my return I went to him. I had no letters from Mr. Rue to either of these men. I had no letters, but I had orders to go to Oldfield & Burnett. I had a letter of instructions, and in that I was told to go to Oldfield & Burnett, and if I couldn't get them, then to go to Mr. Schoneman.

Question.—Suppose that you were in the harbor of Fernando Po on the 5th of August, and wished to obtain a competent navigator from some other place, where would you have first gone?

Answer.—Well, sir, I should have preferred to have gone to St. Thomas, because it is the nearest port of entry (where you would be likely to get a navigator) except Prince's, because there are Portuguese vessels sailing out of St. Thomas. What I call vessels, about 7 or 8 vessels exceeding 115 tons, trading out of St. Thomas. They trade to different parts of Portugal; there were three brigs there when I was there. I know there were two mates ashore, that talked very good English; they supply their own vessels with navigators, and I know two merchants who were masters of vessels.

Those that the mates had sailed with, spoke very highly of them; they lived at St. Thomas, the same as the other Portuguese.

The name of the consignee at St. Thomas, was Freitas. He was a merchant; brought my coffee, &c., and sold my cargo, &c.

After St. Thomas, the likeliest place to have got a navigator, would have been Quita, and down from there Anamaboo, Accra, and Cape Coast.

I think there is a good chance anywhere down there, one place as another, as there are always American and English vessels trading there; they mostly carry two mates; there are vessels from Salem trading there, and they always carry two officers, and they are both navigators.

It is not the general rule for both officers to be navigators, but is

the general fact, that they both are. I have had foremast men as good navigators as I am.

We visit most of the places, ports of entry on the coast; at the majority of these places, we have to do our own business. At some places we have consignees. We cannot sell all our cargo out at one place to good advantage. Any man of common sense, of good understanding, can sell the cargo.

When I spoke of obtaining a navigator, at the places I have mentioned, I had reference to obtaining a navigator from vessels, or by accident from shore; and if I could not find one at one place, I would go on to another; I don't know that I would go from port to port; I probably would fall in with one under sail, or at anchor.

I have visited that coast once. A captain trading to the coast of Africa gets from \$50 to \$60 a month, \$60 is a fair average. And then captains do the business themselves. We have consignees at ports where there are custom-houses, in consequence of it being so difficult to get our business through.

I can't say how long the mates had been ashore at St. Thomas. The brig was laying there still. I don't know what they were waiting for. One of the captains there told me that these mates were obtained there—they resided there—they might have been ashore for two or three weeks.

I never put in at any place between the Caboon and the Camarons. My principal voyages have been from Cape Lopez, south; and that is the part of the coast I am most familiar with.

The mates had left the vessel at St. Thomas, it was her home port.

WM. JONES.

Taken, sworn, and subscribed, Nov. 15th, 1850.

CHARLES F. HEAZLITT,
U. S. Com'r.

ROBSON & PETER }
vs. }
BRIG HUNTRESS. }

November 20th, 1850.

George Harding, for the Libellants, and John R. Rue, the Respondent, met at the house of the late Capt. Sturdevant.

Elizabeth Sturdevant being duly affirmed, a witness for the respondent.

Question by the Respondent.—Was your husband Captain Joseph Sturdevant; and was he the captain of the brig Huntress?

Answer.—He was.

On the arrival of the brig Huntress here in October last, did you receive any papers, or boxes of papers, belonging to the late Captain Sturdevant?

About six days after the Huntress arrived here, I received the

books and papers of my husband. One day after the Huntress arrived, I received his trunks. These trunks contained his clothes and a portmanteau or writing desk. After I got the trunks and papers, I opened them; I looked over all his papers, and inside of his books, and looked over every scrap of paper.

Did you find any letter of instructions from Mr. Rue to your husband? and is this letter now exhibited to you, and marked A, the letter which you found there?

Answer.—I did find such a letter, and the letter marked A, and endorsed by me, is that letter.

Cross-examined.

Where did you find this letter?

In the tin box which contained his papers, that was open when I received it; it had no lock on it. The papers in this box were private letters and papers belonging to my husband; they were not the ship's papers in this box. There were a good many of his papers in this box; some of them were old papers relating to previous voyages.

The portmanteau in his trunk was empty; it had only a few scraps of papers, and a box of wafers. The trunk in which the portmanteau was, was sealed up. After I found the tin box, I turned out all the papers, and looked carefully over them. I did not find it at once. I found no other paper which I thought Mr. Rue would want, among these papers, except a landing certificate from Sierra Leone. Mr. Rue sent to me, to inquire if I had this letter of instructions, and I then sent it to him.

Re-examined.

This letter was found in the tin case, in an envelope, with "Capt. Joseph Sturdevant, brig Huntress," marked on the outside; together with invoices and account of sales of the cargo of the Huntress, and about twenty other papers. Besides these papers in the envelope, were a great many others in the box, which I do not think relate to the Huntress. Mr. Rue did not send for any other of the papers in the envelope, but the letter first mentioned.

ELIZABETH STURDEVANT.

GEO. HARDING.

Philadelphia, *April 11th*, 1850.

CAPT. JOS. STURDEVANT, BRIG HUNTRESS.

Dear Sir: Your vessel, freight, and cargo, is insured; vessel valued at \$6000, freight \$3000, and cargo, as may appear by invoice and Blading, from hence to the coast of Africa, to touch and trade at ports or places on the coast, and back to Philadelphia; no loss on the vessel under 10 per cent. unless general; the cargo on deck is

not insured. You will go first to Sierra Leone, and call on Mr. Shoning, and see if he will do your business on the same terms as Captain Tailor's; if he will not, call on Mr. Oldfield, he charged Capt. Lane, 3 per cent., but I would rather pay Mr. Shoning 5 per cent.; sell as much of your cargo as you can for cash and peppers, and buy up all the peppers you can, as soon as you get there; the other articles to be had there, that suits this market, would be about 20 tons canewood, 20 or 40 tons palm oil, and 20 tons ginger root. Peppers sell on the coast at 7 or 8 cents per pound, bright red and not long, are the best. Canewood sells at \$45 or \$50 per ton; large straight billets, clear of knots and hollows, is the best wood: palm oil sells at 40 cents per gallon, no charge for casks; good palm oil is bright colour and clean, large casks always preferred; the hoops should be drove and nailed, and the casks bored, to see there is no water in them: ginger sells at $2\frac{1}{2}$ cents per pound: these are the articles preferred. Ivory and hides generally make about a par remittance; prime ivory sells at \$1 per pound, second quality 75 cts. and small 50 cts. per pound. A tooth must weigh over 20 pounds, and free from all defects, to be prime; the best ivory is large straight teeth, and free from cracks or rents; a dead tooth is of very little value. Rio Pongas and Rio Nunez hides sell at 12 cts. Sierra Leone, nuts will not sell here. Virgin gold is \$19 20 cts. per ounce, and gains here, about 3 per cent. by coining; be careful in receiving it. British government bills are sometimes to be had, they cost \$4 80, and make a par remittance. Gambia is a good market for the best tobacco; the only articles to be had there are gold, hides, and nuts. Hides cost 10 cts., but will only make a par remittance. Nuts cost 40 or 50 cents per bushel measure; they are good, bright color and clean, and will pay about 15 or 20 cts. a bushel freight, and do very well to fill up, but as they are not of much value, you may not have room; do not take any articles of trade, unless you have room for them. On your arrival at Gambia, you must have your manifest made out, and do not land until you are boarded; have lists of your cargo made out; the principal dealers are Mr. Brown, Mr. Loyd, Mr. Grant, Mr. Goddard, and Mr. Miffenberg, and they are good. The seller always pays the duties; except the extra duty on tobacco, of one farthing per pound, which is generally paid by the purchaser; but it must be so understood when you make your sale, and any sale or agreement you make, have it put in writing, and signed. You have to do your own business. Mr. Brown or Mr. Loyd will enter your vessel; be cautious of Mr. Riche, Mr. Brown's head clerk. At Monrovia, they have palm oil and logwood, but it is not a very large market. If you do go there, call on the agent of the Liberia packet; old canvass is worth here at Philadelphia, 4 cts. per pound, and do not buy any sails, new or old, unless you get them low enough to sell here at 4 cts. per pound; anchors and chains are very low here, and do not pay more than \$15 per ton for them; wax and gums will always lose money to bring here; do not touch them; do not buy

ground pepper ; old junk is worth here 3 cts. per pound ; you have a scale, weigh all the goods you receive, and sell the scale when you are done, and see you get weight and measure. You have a price current, and you are at liberty to buy anything, only see that you have a good bargain ; do not sell anything on credit, or leave anything on the coast, but close all up and bring everything with you ; do not take any bills, except British government bills : leave a Bl. lading, of all the cargo you have on board, goods and specie, to be forwarded from the last port you sail from, bound home ; and forward one yourself, if you have an opportunity ; do not forget to have your debenture certificate signed. Duty here on ginger is 40 per cent., palm oil 10 per cent., ivory 5 per cent., hides 5 per cent., canewood 5 per cent., nuts 20 per cent. Nuts are sold on the coast by measure ; they sell at 32 cts. per bushel ; they lose about four pounds per bushel ; herewith you have a power of attorney to collect anything belonging to me, left by Capt. Lane, or Capt. Jones. I sent Messrs. Oldfield & Burnett's note out by Capt. Jones to collect, and if he has done so, please collect it. I think that tobacco and dry goods will be lower here, so close those articles up as soon as you can.

Wishing you a safe voyage,

I remain yours, truly,

JOHN R. RUE.

OPINION OF THE COURT.

The Brig Huntress. Rue, Claimant.

D. C. U. S. In Admiralty.

"Salvage."

OPINION.—I have taken up this case out of its order on the calendar, because the transaction it grows out of, was one of highly meritorious service rendered to an American ship by the navy of a foreign power ; and I understand that the officer who brought her in is remaining here to represent the interest of the salvors.

The libel is filed by Charles R. Robson, late a lieutenant on board of H. B. M.'s ship *Gladiator*, for himself, and William Peter, H. B. M.'s consul at Philadelphia, for all others interested, against the brig *Huntress* and her cargo, &c., in a cause of salvage, civil and maritime.

The material allegations which it contains are as follows:—

First. That H. B. M. steamer, the "*Jackall*," tender to H. B. M. ship "*Gladiator*," attached to the Bight division of H. B. M. service on the west coast of Africa, was cruising, on the morning of the 4th of August last, off the river Gaboon, on the west coast of Africa. Lieut. Bedingfield commanded said "*Jackall*."

Second. That about noon on the said 4th of August, in lat. $2^{\circ} 30'$ N., lon. $9^{\circ} 45'$ E., the "Jackall" fell in with a U. S. brig, with all studding-sails set. As soon as the crew of the brig espied the "Jackall," they hoisted their colors, Union down, which is the usual signal of distress, and ran for the "Jackall." The "Jackall" was immediately run alongside of the said brig, and Lieut. Bedingfield, of the "Jackall," then went on board of her and found her to be the brig "Huntress," a trader on the coast of Africa, belonging to the port of Philadelphia, in the United States, having on board a crew of about five men, and laden with a valuable cargo of palm-oil, ivory, provision, gold-dust, rings, &c. That the captain of the said brig had died of the fever a week previous, and that the chief mate, E. B. Taylor, was then dangerously ill and senseless, dying of the fever, and the second mate, John Thomas, stated to the said Bedingfield that he could not navigate the vessel himself, being unable to read or write, and ignorant of the art of navigation, and that there was no person on board capable of navigating her; that the brig "Huntress," at the time the "Jackall" hove in sight, was bearing down for the shore between Cape Lopez and the river Gaboon. That the shore at Cape Lopez and the river Gaboon was infested by hordes of piratical slavers; that, if the brig had kept her course, she would inevitably have fallen a prey to these robbers, or else been stranded upon the shore.

Third. That the second mate, who was then in command, supposed that he was standing in for St. Thomas, and was entirely ignorant and helpless. That from the death of the captain, sickness of her chief mate, and the ignorance of the second mate and crew, and the dangerous character of the shore, she was in great hazard of being lost. And that the second mate and the crew begged and requested the aforesaid J. B. Bedingfield, lieutenant commanding the "Jackall," to take charge of and navigate the said brig; and that the said brig and cargo were thereupon put under the care of Wm. Barrett, master's assistant, and he was directed and immediately set about navigating her to Fernando Po, on the west coast of Africa, a British naval station, with a view of falling in with H. B. M. ship "Gladiator," and receiving directions from H. B. M. officer in command of the station, as to the best course to pursue in order to preserve the said brig and cargo.

Fourth. That the aforesaid Wm. Barrett then navigated her and brought the brig to a safe anchorage at Fernando Po on the evening of the 5th of August, and that the said Wm. Barrett immediately reported to John Adams, captain of H. B. M. ship "Gladiator," and commander of this naval station, and that immediately a medical officer was, at the request of the second mate of the brig, sent on board to the chief mate; but that the chief mate, who had all this time been lying senseless, died a few moments before his arrival.

Fifth. That the second mate and crew of the "Huntress" were incompetent to take charge of the brig; one-half of her crew were

sick of the fever and inefficient, and no other help could be obtained but from the man-of-war at the station. And that the mate and crew of the brig requested the said John Adams to take charge of her, and have her navigated home. Thereupon the said John Adams furnished her with water, coal, and an anchor, of which she stood in need. That the said John Adams sealed up the hatches and took an inventory of the valuables on board, and directed your libellant, C. R. Robson, a lieutenant attached to the "Gladiator," to repair forthwith, with two men, and to take charge of and navigate her with all possible despatch to Philadelphia, and to deliver her at the port of Philadelphia for the benefit of all concerned.

Sixth. That in pursuance of the above directions, your libellant, C. R. Robson, went on board and took charge of the said brig, and with the assistance of his two men and such of the crew of the said brig as were able to render him assistance, with all possible despatch navigated the said brig to the port of Philadelphia, where she arrived in safety, and anchored on the evening of the 15th of October last.

Seventh. That from the infectious state of the brig, the aforesaid Barrett exposed himself to great personal danger during the time he was on board the said brig and navigating her to Fernando Po. And your libellant, Robson, and the men who accompanied him on board the said brig, also exposed themselves to great danger from the infection thereon. And that several times during the homeward voyage your libellant, Robson, was very sick and dangerously ill of the fever, and that since his arrival in this city he has been, and is now, extremely sick and confined to his bed by the fever acquired on board. That your libellant, Robson, by his removal from the "Gladiator," has created a vacancy on board of that vessel, which has been filled by a new appointment; and that by bringing this vessel home he has, according to a rule of the British navy, forfeited his place on the "Gladiator," and his pay and prize-money. That he will be compelled, as soon as his disordered health will permit, to return to England and await a new appointment. That by his impaired health he will be prevented from again visiting the coast of Africa, or taking any post there. And to save the said brig and cargo for her owners, he has thus risked his life, lost much time, a valuable post in the British service, forfeited his pay, and shattered his health perhaps forever.

The answer of the claimant, after excepting to the sufficiency of the libel, admits that the Huntress arrived at Philadelphia with Lieut. Robson on board, as alleged in the libel, declares that her cargo was worth about eleven thousand dollars, and the vessel valued at thirty-six hundred dollars; denies knowledge of the other facts alleged, and calls for proof of them, and sets out a number of new facts, of which the respondent has been informed, which if proved would go to reduce the libellant's compensation.

I shall consider first, the objection which is made to the libel;

that it does not designate with sufficient certainty, who are the parties on whose behalf the salvage is claimed. The objection is not tenable. One of the parties libellant (Mr. Robson) is himself a direct party in interest, and so represents himself; and the vessel, once brought into the custody of the admiralty, upon his libel alone, would be retained here till all other interests had an opportunity of presenting themselves for hearing against her. Were he the only party before me, and it came to my knowledge, either from the pleadings or the proofs, that other meritorious salvors were by force of circumstances, prevented for the time from asserting their right formally against this vessel, I should have no hesitation in impounding in the registry such sum as they appeared entitled to, to await their legal demands.

But this is not exactly such a case. The British consul makes himself a party "for all others interested," and though it would certainly have been more regular to set forth their names, or otherwise designate them in the caption of the libel, yet the defect must be regarded as merely formal, since it is supplied adequately by the rest of the instrument.

The next question of law which I am called on to decide is, whether Mr. Robson can be heard as a witness. It is conceded that the services were meritorious, and that some of them approached closely to the character of salvage services. But it is contended that they do not amount to a salvage, properly so-called, and that the exceptional rule of evidence which allows a salvor to testify in support of his own interest, cannot therefore be invoked in the case.

There is, no doubt, a considerable part of Mr. Robson's deposition which, as it goes to matters of hearsay and facts proveable *aliunde*, it is my duty to reject from consideration, whether the case be one of salvage or not. But as to the rest, it matters little, in my judgment, what is the technical description of the service if it partook so far of the character of a salvage as to imply the same necessity as that on which the rule is founded. How can it further the administration of justice between these parties, that I should refine upon the nomenclature of the law, and then reject the evidence under one artificial head of claim that I would have accepted under another, the essential reason for my action being identical in the two cases, and having just the same bearing and force in each! There was supposed, in former times, to be a difference between the reward of salvage services and the reward of other services connected with the rescue, protection, and restoration of property. One was paid in the shape of a per centage on the value of the thing saved, the other by a *quantum meruit*. But this was little more than a nominal distinction, for the per centage in the one case was always measured, in a great degree, by the merits of the service, and the compensation in the other had more or less of refer-

ence to the value of the property. And of late years even this formal distinction has been disregarded, and the decree of salvage is for a specific sum as frequently as for a proportion of the value. I do not find, from the books, that at any time the compensation for the two descriptions of service was ascertained by reference to differing rules of evidence; and I cannot imagine that it was so; for until the evidence had been received, it must often have been difficult to know whether the case belonged to one or the other category.

This inquiry, however, is not necessarily involved in the case before me, for the facts which have the most important bearing on the claim, are all of them proved without reference to Mr. Robson. They are these:

The *Huntress*, an American brig, trading on the north-west coast of Africa, was fallen in with by the *Jackall*, a steam tender to H. B. M.'s ship *Gladiator*. The brig had her flag hoisted Union down, the ordinary signal of distress. On boarding her, it was found that she had lost her captain, that the mate was dying with coast fever, and that her crew, entirely ignorant of navigation, were worn out with anxiety and fatigue. They had been sailing for four days at random, sometimes approaching the mainland, and then bearing away again to avoid running ashore, or to escape from piratical looking boats, that sought to board them, and they were about to run into what they supposed the river Caboon, but in fact a small inlet some two hundred miles further north, where they saw what they thought a French brig at anchor. Their vessel was a mere estray upon the ocean, at the mercy of the first finder, unless protected by his sense of justice.

They were glad to give up the vessel and themselves into the charge of the commander of the *Jackall*, who put an officer on board, and conducted them to Fernando Po, where the *Gladiator* was lying. Here everything was done for crew and vessel, that hospitality and kindness could do, on the part of the British commodore and his officers. The surgeon came on board to the aid of the mate, but he was already dead. The vessel was supplied with water, medicines, and stores. An anchor was furnished her to replace one she had lost. The property on board was collected, carefully inventoried, and sealed up. Disinfectants were employed to remove or diminish the causes of disease on board. And with the assent of the second mate, and in accordance with his opinion as to what was best for the owner's interest, it was determined to send her home to the United States. A lieutenant of the royal navy was placed on board to navigate her, and two men to complete her effective complement; three of her surviving company being at the time off duty in consequence of sickness.

The coast fever, of which the mate and probably the captain also had died, is known to be in a high degree malignant. Notwithstanding-

ing the precautions which had been taken to disinfect the *Huntress*, and though Lieut. Robson, in obedience to the surgeon's directions, kept clear of the cabin as much as possible, sleeping on deck, and going below only to make out his reckonings, he was attacked by this disease a few days after leaving the coast, and struggled with difficulty, and through much danger against its effects, until he reached this country. On his arrival here, sixty-nine days after leaving Fernando Po, he was a confirmed and broken down invalid, so ill that his physicians considered him "unfit to be moved." It manifests a determined energy of character on the part of this gentleman, which is praiseworthy in a high degree, that in shattered and sometimes critical health, and with insubordination on the part of his only officer, the mate, he succeeded in conducting the vessel through so long a voyage safely home to her owner.

The facts which I have recited, and the few remarks I have made on them, present the three leading elements of salvage compensation in their application to the present case, the value of the property exposed to hazard, the peril to which it was exposed, and the services by which it was saved. There is yet another element to be brought into the computation; but, before discussing it, I will take notice very briefly of one or two suggestions, that find a place in the answer, and have been expanded in the argument upon the evidence.

1. It is said that the *Huntress* should not have been sent home by Captain Adams, but should have been despatched along the coast in search of a navigator, under whose direction she might have continued on her voyage. The answer is complete: 1. It does not appear by any means probable that such a navigator could have been found: 2. Had there been one, it would have been most improper to confide property, consisting in great part of coin and gold, to a stranger, and transfer to him the personal trust of dealing with it at his discretion: 3. The mate, who by the death of his superior officers had become the owner's representative, preferred that the vessel should be sent to the United States.

2. It is said on the authority of the mate, that the vessel had a consignee at Sierra Leone, to whom she might have been sent, and that she had besides a consort at the island of St. Thomas, one of whose officers might have brought her home, if she had been taken there. But the letter of instructions found on board the vessel, proves that she had no consignee, and a comparison of dates shows that the vessel referred to had left St. Thomas: besides which, if these facts were otherwise, the opinion expressed by the mate, when he was called into conference with Captain Adams, would have destroyed their effect.

3. It is argued, that the salvage was complete when the vessel reached Fernando Po in safety, and that the services of Mr. Robson in conducting her to the United States, were merely those of an or-

dinary navigator, and to be paid for as such. The evidence is, that there are but three white residents on the island, one of whom is the governor, and another the British consul; and, that the mate, after making inquiry by Captain Adams' direction, found that no navigator could be procured there. It is vain to say that the service was complete under these circumstances; but that the lives of the crew were now safe from the hazards of wreck, the vessel might almost as well have been left adrift on the high seas, as abandoned at Fernando Po.

Indeed, as to this and the other suggestions which I have noticed, I must frankly say, that had the conduct of Captain Adams been in accordance with them, it would have wanted much of the merit which I now ascribe to it. Had he sent the brig on a vague and round-about hunt for a consignee, expensive of course, and certainly fruitless; or had he trusted her with her cargo to some navigator enlisted by chance on a coast rife with piracy; or had he, after securing her safety, left her at Fernando Po, with her crew of half-breeds and negroes, to eat up or spoil upon the property of her owner; or had he even followed the example which was cited from our diplomatic records, and detained her while he could arrange by contract the just value of the services he had rendered, and was about to render; I apprehend that a court of admiralty would have been very reluctant indeed to table a large decree in his favor.

It is to his praise, that which he did was the reverse of all this: it was well judged, liberal spirited, sedulously protective of the interests which misfortune had cast upon him, and justly confiding withal towards the country whose citizens he had relieved or rescued. And this conducts me to the remaining consideration which should have influence on my decree: What obligations were there, resting upon these salvors, to do as they have done? Absolutely none, but those of human fellowship. They were strangers, subjects of a foreign power, at a great distance from home, armed and cruising for a special object, requiring their full complement of men to man prizes, and meet the ordinary casualties of a sickly climate. It illustrates well the advancing civilization of the age, that alien flags are thus summoned on distant seas to perform offices of brotherhood, and the armament of war is found ministering to the charities of men. The considerations are higher and more noble than any of policy, that prompt us to foster the spirit which these salvors manifested by their conduct.

Still, the task of adapting to it a pecuniary compensation is not the easier on that account. It refers itself largely to the judicial discretion. It is impossible to find in an adjudged case circumstances altogether parallel to those of the case before us. The *Charlotte Wylie* (2 W. R. 495), which was supposed to resemble it, was that of an English vessel, relieved and sent home by a cruiser of her own nation: her condition, too, was much less perilous; for

she had an officer of her own on board capable of navigating her, and those who brought her to England did not suffer in health. The *Amistad* (18 Pet. 518) approaches nearer to our case; but that had some of the features of a military service: there the decree was for one-third. Referring myself particularly to the opinion of the Supreme Court in the *Blaireau* (2 Cra. 240), and to the remarks of Mr. Justice Washington, in deciding the *Cora* (2 Pet. Adm. D. 375), and those of Mr. Justice Story in *Tyson vs. Prior* (1 Gall. 133), I think I shall not depart widely from the principles which have governed our courts in cases of civil salvage, if I allow to the salvors one-fourth of the value of the property saved, after deducting the charges against it. These are as follows:—

To Captain John Adams, of H. B. M. ship <i>Gladiator</i> , for an anchor, water, stores, &c., put on board at Fernando Po, £20 3s.	\$98 34
To Lieut. Charles R. Robson, R. N., for his board here while sick, physicians' bills, and passage home, £81,	\$395 00
To Richard Palmer, one of the seamen detached from the <i>Gladiator</i> , for his wages on the voyage from Fernando Po, £6, }	\$53 68
For his passage home, £5, }	
To the Portuguese seaman (not named), who was shipped at Fernando Po, for his wages, £6,	\$29 30
Making of charges the sum of	\$576 32
Deducting which from the value of the Hun- tress, \$ 3,600	
And her cargo, \$11,000	
	<hr/> \$14,600 00
Leaves,	<hr/> \$14,023 68

One-fourth part of which, amounting to \$3,505 92, I award as salvage: And this sum I apply and apportion as follows, viz:—

1. To pay to the proctors and advocates who have acted for the libellants in this court, such sum as may reasonably be due to them for their services.

2. Of the residue, one-third to Lieut. Charles R. Robson, in consideration of his loss of emoluments by reason of taking charge of the *Huntress*, and of his meritorious personal services in bringing her with her cargo and crew to this port.

3. The remaining two-thirds to Captain John Adams, and the officers and crew of the *Gladiator* and *Jackall*, including herein Lieut. Robson; to be distributed according to the regulations and usages of H. B. M.'s naval service.

And it is further ordered, adjudged, and decreed, that the said

2550
1900

two-thirds do remain in the registry of this court, until letters of procuration shall be exhibited in due form of law to receive the same, or until further order.

And it is further ordered, adjudged, and decreed, that the remaining three-fourths of the value of the brig Huntress and her cargo be charged with the taxable costs of this case, and that the residue thereof be paid to the claimant, John R. Rue.

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Monday April 28th

Harding for Pitt commoner, again

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Mr. Williams

Mr. Williams

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